

ORIGINAL

FILED
U.S. DISTRICT COURT
NORTHERN DIST. OF TX
FT. WORTH DIVISION

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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FT. WORTH DIVISION

CLERK OF COURT

KEVIN MCCULLY, as next friend of)
Daughters, C. MCCULLY and)
M. MCCULLY,)
Plaintiff,)

4-13CV-702-A

CASE NO. _____

vs.)
)
STEPHENVILLE INDEPENDENT)
SCHOOL DISTRICT, STEPHENVILLE,)
TEXAS, WILLIAM JOE CARTER and)
RACHEL CARTER, in their individual)
capacities as well as agent's for Stevenville)
I.S.D.,)
Defendants.)

ORIGINAL COMPLAINT

Come now Plaintiffs, C. McCully and M. McCully, minors, by and through their next friend, their Father, Kevin McCully, and file for relief under the Education Amendments of 1972, 5901, 20 U.S.C.A. §1681 (Title IX). Plaintiff(s) alleges that Defendant, Stevenville Independent School District, Stephenville, Texas, in violation of federal law, has failed to provide equal athletic facilities to females in the Stephenville Independent School District, Stephenville, Texas,

based on Plaintiffs' gender. Plaintiff(s) further alleges that Defendants, William Joe Carter and Rachel Carter, in their individual capacities, as well as their capacities as agents for Steenville I.S.D., in violation of federal law have retaliated against Plaintiff(s).

I.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §1331 and §1343. The rights, privileges and immunities sought to be redressed are those secured by Title IX and the Constitution of the United States of America, in particular, the Fourteenth Amendment thereto. In the event that the case is converted to a class action, the action can be maintained as a class action under Rule 23, Federal Rules of Civil Procedure. This Court further has supplemental jurisdiction of the subject matter of this claim under 28 U.S.C. §1367, as to all claims arising under the laws and Constitution of the State of Texas, that are related to the claims of which this Court has original jurisdiction and which form part of the same case or controversy. Further, 45 CFR 86.41 – Athletics applies in this case.

2. This claim arises out of acts undertaken and injuries suffered in the Northern District of Texas and venue is proper pursuant to 28 U.S.C. §1391.

II.

PARTIES

3. Kevin McCully is the father of complainants, C. McCully and M. McCully, who are females currently participating in athletics, or who will participate in athletics in the future, at Stephenville Independent School District (SISD), in Stephenville, Texas.

4. Complainants are sisters who are United States citizens. They reside with their parents in Stephenville, Texas. They are twelve and thirteen years of age and are in the seventh and eighth grades at Henderson Junior High (HJH), a campus within the Stephenville Independent School District, a public school owned and operated by Defendant.

5. Defendant, the Stephenville Independent School District, is the governing body of the school district in Stephenville, Texas and surrounding area, by which it is empowered, among other things, to sue and be sued pursuant to State and Federal Law.

6. Defendants, William Joe Carter and Rachel Carter, are employees of Stephenville Independent School District. They are being sued in their capacities as agents of Stephenville ISD, as well as in their individual capacities. The Court has supplemental/ pendent jurisdiction of the subject matter of this claim under 28

U.S.C. Sec. 1367, as to all claims arising under the laws and Constitution of the State of Texas, that are related to the claims of which this Court has original jurisdiction and which form part of the same case or controversy.

III.

STATEMENT OF FACTS

7. Henderson Junior High (HJH) is the only campus for seventh and eighth grade students at SISD. Stephenville High School is the only campus for ninth, tenth, eleventh and twelfth grade students at SISD. In school suspension and a few other students attend other campuses.

8. In early September, 2012, Plaintiff began communicating his concerns involving gender based discrimination at HJH to SISD administrators.

9. On March 8, 2013, Plaintiff filed grievances with SISD concerning gender based discrimination. Plaintiff completed the grievance process in July, 2013.

10. While Defendant has made some changes it has backtracked on two commitments.

11. Girls have fewer opportunities to participate in sports than what boys enjoy at HJH.

12. When girls are given the opportunity to participate in sports the benefits they receive are inferior to what boys enjoy at HJH.

13. Beginning in the 2013-2014 school year approximately 60% of the girls that participate in volleyball will be forced into a non traditional season. No boys have non traditional sports seasons at HJH.

14. Girls have fewer coaches than boys despite historically comparable participation numbers.

15. Girls are subjected to coaches of inferior experience. For example student teachers are used by the Defendant to coach girls in a way that no student teachers are used to coach boys.

16. Girls have inadequate practice facilities. For example, boys can practice in season football and off season basketball simultaneously while girls are not provided facilities that allow them to practice in season volleyball and off season basketball in an equitable manner. Football and basketball are the two most popular boy's sports and volleyball and basketball are the two most popular girl's sports at HJH.

17. Girls have inferior locker rooms, showers, coach's offices, and similar type facilities despite historically comparable participation numbers. The boys and

girls showers, locker rooms and coach's offices are located at the Henderson Junior High campus which was built in its entirety approximately 12 years ago.

18. The Defendant subjects girls to practice times and schedules that are discriminatory.

19. The Defendant does not provide girls with equitable publicity.

20. The Defendant does not recruit girls to participate in sports to the same degree that boys are recruited.

21. Defendant has failed to adequately survey girls so that the interests of the underrepresented gender may be determined.

22. Defendant has placed girls in a discriminatory environment in regards to athletic participation in the Quad County Conference. The Quad County Conference has rules in place for girls' sports that no boys are subjected to. For example, the 'C' team volleyball players are allowed to serve in front of the serving line. There are no similar type rules for boys.

23. Defendant has placed girls in a discriminatory environment in regards to the University Interscholastic League (UIL). UIL is the governing body for junior high sports in public schools in Texas. UIL requires that football, the most popular boys sport, be played in the traditional fall season. However, UIL allows all girls sports to be played in any season. The Defendant has moved a large

number of girls to a nontraditional volleyball season for the 2013 -2014. If UIL had equitable rules in place this would have been prevented.

24. SISD has denied girls equal athletic opportunities because of paternalism, stereotypical assumptions about girls' interests and abilities, and their outdated views of women. For example, the HJH Girls athletic coordinator and coach has stated that 7th grade girl volleyball players '*do not have the strength to overhand serve*' a volleyball. Additionally Ms. Green stated that of the 85 7th grade girls out for volleyball in 2012 '*there's gonna be about 50 of those kids who probably should never have attempted it (overhand serve) because they're just not built that way.*' In fact the majority, if not all of 7th grade girls are capable of serving a volleyball overhand.

25. Equal facilities, coaching, and services between the girl's athletic teams and the boy's athletics teams at HJH are necessary to impart equality, parity, importance, worth, morale, team spirit, dignity, and obvious utility to the fans and players.

26. Defendant allows, supports, and otherwise facilitates a system of providing unequal support to boy's athletics from booster clubs, private and commercial donations, commercial agreements, and other sources that results in unlawful disparities in girls' athletics.

27. Defendant should begin design, acquisition, installation and implementation of equal facilities, coaches, and services for girl's athletic teams and boy's athletic teams at Henderson Junior High as soon as possible in order to achieve gender equity in athletics at Henderson Junior High.

28. Unless Defendant is ordered to provide equal facilities, coaching, and services for the girls' athletic teams and the boys' athletic teams at Henderson Junior High, Plaintiffs will suffer injuries for which they have no adequate legal remedy. Specific performance in the form of equal facilities and coaches for Henderson Junior High's girl's athletic teams is required. Monetary damages are inadequate.

29. The hardship on Plaintiffs, if relief is denied, is disproportionately onerous as opposed to the hardship to Defendant if it is granted.

30. Attached hereto is the Affidavit of Kevin McCully with attached Exhibits A-G which show the prior history of this dispute and the efforts made to settle the issues.

IV.

COUNT I.

**Violation of Title IX, Education Amendments
of 1972.8 901.20 U.S.C. 8 1681.**

31. Plaintiffs reallege the allegations in Paragraphs 1 through 29, as if fully set forth herein.

32. Due to Defendant's failure to provide equal facilities, coaching, and services for the girls' athletic teams and the boys' athletic teams at HJH, Plaintiffs are being denied the benefits of and are being subjected to discrimination on the basis of their gender under Defendant's education program or activity which receives Federal financial assistance.

33. Because of their gender, Plaintiffs are being willfully denied equal athletic opportunities by Defendant.

34. The lack of equal facilities, coaching, and services for girls and boys sports at HJH does not effectively accommodate the interests and abilities of members of both sexes, including the interests and abilities of Plaintiffs.

35. As a result of Defendant's illegal actions, Plaintiffs have incurred costs and attorney fees.

V.

COUNT II.

RETALIATION

36. Plaintiffs reallege the allegations in Paragraphs 1 through 34, as if fully set forth herein.

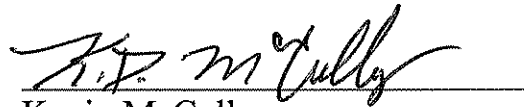
37. William Joe Carter and Rachel Carter are Stephenville Independent School District employees who have used their position with the SISD to apply pressure on those who do not agree with them politically. Because they had access to a gymnasium without cost, given to them in violation of SISD board policy by SISD administration, they were in a position to control who was on the same basketball team as their daughter. M. McCully was invited to play on that basketball team approximately sometime in June, 2013. M. McCully accepted the invitation to play on the team. However, on or about July 17, 2013, Plaintiff was informed that M. McCully could not be on the team because her parents were involved in a lawsuit against the school. On or about July 23, 2013, Plaintiff was told that Carter's said that 'if the McCully girl is on the team then our daughter will not be' or something substantially similar. William Joe Carter and/or Rachel Carter used the power vested in them by SISD to remove and/or force the coach to remove M. McCully from the basketball team.

38. As a result of the illegal retaliation against Complainant M. McCully by all Defendants, Plaintiffs have incurred costs and attorney fees.

PRAYER

WHEREFORE, Plaintiffs have been damaged by Defendant as a result of each violation alleged above, and request preliminary and permanent injunctive relief and all other relief that is just and equitable, including costs and attorney fees.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "K. McCully", is written over a horizontal line.

Kevin McCully
PO Box 2571
Stephenville, TX 76401
McCully@Live.com

AFFIDAVIT OF KEVIN MCCULLY

STATE OF TEXAS §
 §
COUNTY OF ERATH §

BEFORE ME, the undersigned authority, on this day personally appeared, Kevin McCully, known to me to be the person, who, hereafter by me being duly sworn on his oath did depose and testify as follows:

1. My name is Kevin McCully. I am over the age of 18 years and competent to make this Affidavit.

2. On or about September 3, 2012 I sent a letter to Henderson Junior High Girls' Athletic Coordinator, D'Anna Green alleging Title IX violations at Henderson Junior High. This letter was copied to several SISD administrators. A copy of that letter is attached to this affidavit as Exhibit 'A'.

3. On or about September 4, 2012, Jeff Norris, an attorney that was graciously assisting in this matter at the time sent a letter to SISD Title IX compliance officer, Dr. Kathy Ray. The letter alleged violations of Title IX of the Education Amendments of 1972, 20 U.S.c. § 1681. A copy of that letter is attached to this affidavit as Exhibit 'B'.

4. On or about September 4, 2012 I met with SISD Henderson Junior High Principal, Renee Goodwin, and Henderson Junior High Girls Athletic Coordinator, D'Anna Green. This meeting was held at Henderson Junior High. The purpose of this meeting was to discuss Title IX violations and gender equity issues in athletics

at Henderson Junior High. I communicated several of my concerns to Ms. Goodwin and Ms. Green. This meeting lasted approximately one hour.

5. In early October, 2012, Mr. Norris received a letter dated October 3, 2012 from Chris Elizalde, attorney for SISD (Exhibit 'C'). The purpose of the letter was to explain the District's position on the issues Mr. Norris and I had previously raised concerning Title IX violations at Henderson Junior High. Ms. Elizalde's letter concluded that SISD was in compliance with the law, but that if I disagreed District parent grievance policy, FNG (Local) was available to me.

6. On or about January 29, 2013 I met with SISD Athletic Director, Joseph Gillespie, and Assistant Athletic Director, Mike Carroll. This meeting was held in Mr. Gillespie's office at Stephenville High School. The purpose of this meeting was to discuss Title IX violations in athletics at Henderson Junior High. I communicated several of my concerns to Mr. Gillespie and Mr. Carroll during the meeting that lasted approximately 40 minutes.

7. During the months of January and/or February, 2013 I informally spoke to SISD Assistant Superintendent and Title IX compliance officer, Dr. Kathy Ray, about Title IX violations and gender equity issues in athletics at Henderson Junior High. There were at least two, but not more than four of these conversations. On more than one occasion I told Dr. Ray that I was hopeful that these issues would be resolved without litigation. These conversations occurred in a conference room at the SISD administration building. I was in the conference room reviewing public records that I had requested to inspect.

8. On or about February 22, 2013 I met with Darrell Floyd, SISD Superintendent, Kathy Ray, SISD Assistant Superintendent and Title IX Compliance officer, Joseph Gillespie, Athletic Director, Mike Carroll, Assistant Athletic Direct, and Rene Goodwin, Henderson Junior High principal. The meeting was held in Dr. Floyd's office. The purpose of this meeting was to discuss Title IX violations and gender equity issues in athletics at Henderson Junior High. One of the issues discussed was my continued concern that girls, and only girls had split practice, that means one practice session in the middle of the school day and then another practice session before or after school, while boys always had a solid, uninterrupted block of practice. The SISD administrators told me that the reason for this inequity was scheduling conflicts. I suggested that if that was indeed the reason that boys could have split practice for an entire year with girls enjoying a solid uninterrupted block of practice for that entire year. I went on to state that the practice schedules could be switched every other year. I received no response to this suggestion during the meeting or after by SISD administrators.

9. On or about February 23, 2013 I sent an email to several SISD administrators. That email is attached to this affidavit as Exhibit 'D'. The purpose of the email was to explain my objection to moving approximately 60% of Henderson Junior High volleyball participants to a non-traditional season while no boys at Henderson Junior High are subjected to a nontraditional season.

10. The SISD Board of Trustees approved moving the majority of Henderson Junior High girls to a nontraditional volleyball season during their March, 2013 board meeting.

11. On or about March 8, 2013 and acting on the advice of the District attorney's letter dated October 3, 2012 (Exhibit 'C') I filed multiple grievances with Ms. Renee Goodwin, Principal of the SISD Henderson Junior High Campus concerning Title IX violations at Henderson Junior High. Ms. Goodwin responded to the grievances on or about April 5, 2013 and referred me to a letter previously sent to me by Dr. Darrell Floyd, SISD Superintendent. I appealed her decisions by filing a level two grievance with Dr. Darrell Floyd, Superintendent of SISD. On May 23, 2013, Dr. Floyd's designee, SISD Title IX compliance officer, Dr. Kathy Ray responded to my grievances. On June 5, 2013 I appealed those decisions to the Stephenville Independent School District Board of Trustees which is known as a level three grievance per board policy. These grievances were heard by the board on July 16, 2013. At that public meeting I made a 20 minute statement to the board (A copy of which is attached as Exhibit 'E') concerning many of the grievances. The board acted during the meeting and upheld the Superintendent's level two decisions in full with the exception of one grievance that involved bullying by a teacher which I believe, although am not certain, that they elected to investigate further.

12. In Exhibit 'C' SISD attorney Chris Elizalde responded to Mr. Norris's question about split practice: *"you asked about practice schedules, claiming that only female athletes have "split practices." It is true that there are split schedules for some students. The reasons for that are not based on gender but on other non-discriminatory factors."* Attached to this affidavit are the Henderson Junior High master class schedules from 2007-2008 to 2012-2013 which show that girls and only girls have split practice at Henderson Junior High. These schedules are Exhibit 'G'.

13. In a September 14, 2012 letter, Exhibit 'F', SISD attorney Chris Elizalde wrote that in regards to split practice *"The principal is planning on changing the master schedule, including practice schedules, next school year so that the division will be between grade levels, i.e., split practices for the younger, 7th grade athletes, and not for the 8th grade athletes.* The 'next' year to which Ms. Elizalde referred has arrived and my daughters' class schedules for the 2013-2014 school year show that once again girls have split practice at Henderson Junior high.

14. Mr. Norris, an attorney assisting us in September, 2012 complained to the District in a September 4, 2012 letter (Exhibit 'B') that girls had inferior uniforms compared to what boys enjoy. The District responded via a letter (Exhibit 'F') from attorney Chris Elizalde. Ms. Elizalde wrote: *'Uniforms have always been provided to student athletes, but jerseys have not been a standard uniform, particularly for the lower level teams. Once the concern was brought to the attention of the administrators, game jerseys were provided for all athletic team members.* In fact equitable uniforms had not been provided to all athletes. The district simply had the 'F' volleyball team girls put on the jerseys of the upper girls volleyball teams for school yearbook pictures that were taken in September, 2012 so that it may appear girls had equal uniforms. The grievances I submitted on March 8, 2013 included one concerning uniforms disparity. Henderson Junior High Principal Renee Goodwin and Superintendent Darrell Floyd responded to the grievances without mentioning a single word about my uniform grievance. I appealed the grievance to level two where the District claimed they would purchase equitable uniforms.

15. Exhibits A-G are true and correct copies of the documents described below:

Exhibit 'A' September 3, 2012 letter from Kevin McCully to Henderson Junior High Girls Athletic Coordinator D'Anna Green.

Exhibit 'B' September 4, 2012 letter from attorney Jeff Norris to SISD Title IX Compliance Officer, Dr. Kathy Ray.

Exhibit 'C' October 3, 2012 letter from Chris Elizalde, attorney for SISD to Jeff Norris, attorney for McCully.

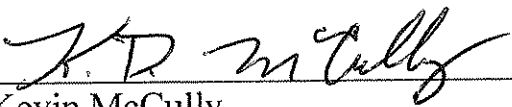
Exhibit 'D' February 23, 2012 email from Kevin McCully to Darrell Floyd, Kathy Ray, Joseph Gillespie, and Mike Carroll. RE: Non Traditional Seasons

Exhibit 'E' Kevin McCully address to the Stephenville Independent School District Board of Trustees on July 16, 2013 during the level three grievance hearing.

Exhibit 'F' September 14, 2012 letter from Chris Elizalde, attorney for SISD to Jeff Norris, attorney for McCully.

Exhibit 'G' Henderson Junior High Master Class schedules for 2007-2008, 2008-2009, 2009-2010, 2010-2011, 2011-2012, 2012-2013.

Further Affiant sayeth naught.

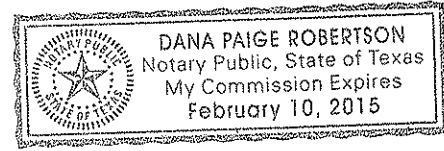

Kevin McCully

SUBSCRIBED AND SWORN TO before me on this the 27th day of August, 2013, to certify which witness my hand and seal of office.



NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

MY COMMISSION EXPIRES: 02-10-15



A
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September 4, 2012

D'anna Green
Girls Athletic Coordinator
Henderson Junior High
Stephenville ISD
2798 W. Frey
Stephenville, TX 76401

RE: HJH Girls athletics is violating UIL rules and Title IX of the Education Amendments of 1972.

Dear Ms. Green,

Refer to the 2012-2013 UIL Junior High Coaches Manual, Off Season Regulations. Page 21, second paragraph: 'Below are clarifications of permissible activities. (I.) *Students may not be required to participate in one school sport as a prerequisite for participation in another sport.*'

Refer to your 2012-2013 7th and 8th Grade Honeybee Athletics handout given to the 7th grade girls while they were attending 6th grade at Gilbert Intermediate last year. Page 2:

IF YOU "QUIT" ATHLETICS:

If a 7th grade athlete quits during their 7th grade year, and wants to return to athletics as an 8th grader, then they will be required to run cross country and compete in the meets to make-up for the conditioning lost during 7th grade.

PARTICIPATION REQUIREMENTS:

All 7th graders will play basketball, volleyball, and run track during the class period. 8th graders have the choice of off-season basketball during volleyball season and off-season volleyball during basketball season. All 8th graders will run track during the class period.

Refer to the email sent to me from Coach Pam Jones on July 18, 2012 stating *'As a 7th grader in girls athletics they are required to participate in volleyball, basketball, and track.'* You were copied on this email as well.

Refer to your talk during the Meet the Coaches Night held at HJH on August 28, 2012 in which you explained that 7th grade girls must go out for Volleyball, Basketball, and Track in order to go out for any one of these sports.

UIL rules clearly prohibit the off season pre-requisites that you require. This is mainly involving 7th grade girls but your pre-requisite of 8th grade girls running track during the period is likely a violation as well.

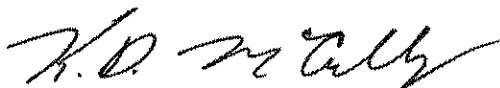
Since this policy is applied to girls only this is a violation of Title IX. My allegation against SISD for Title IX violations provides that my daughters, Carlene McCully and Mallory McCully not be retaliated against for my reporting of this violation. Federal law and SISD Board of Trustee policy requires that SISD and SISD employees not coerce, intimidate, threaten, retaliate against, or interfere with any person who attempts to assert a right protected by Title IX laws or cooperates with investigation and enforcement proceedings under Title IX laws.

I look forward to see what HJH will be doing next week in order to bring that campus into compliance with UIL rules. I would assume all of the girls and their parents will be notified in writing immediately of the options available to them. In the event no written material is sent to all of the parents of HJH girls next week I will begin exploring what additional options are available to me.

The HJH boys head football coach said during the meet the coach's night that the head high school basketball coach was currently coming to HJH and 'working with the basketball boys' during first period. I'm confident the head high school girls basketball coach will work with the girls in the same manner beginning next week, provided that isn't a UIL off season rules violation as well.

SISD's decision to have five boys coaches (not counting the coaches coming from the high school) while maintaining only three girls coaches, the split practice schedule for girls, and other logistical issues are not excuses I am interested in hearing concerning why compliance should be delayed. This rule existed well before SISD and HJH planned and budgeted for the 2012-2013 school year.

Very Sincerely,



Kevin McCully
PO Box 2571
Stephenville, TX 76401
254-434-3501
McCully@Live.com

cc: Dr. Darrell Floyd, Superintendent of Schools, Darrell.Floyd@Sville.US
Dr. Kathy Ray, SISD Title IX Compliance Officer, Kathy.Ray@Sville.US
Joseph Gillespie, SISD Athletic Director, Joseph.Gillespie@Sville.US
Renee Goodwin, HJH Principal, Renee.Goodwin@Sville.US
Pam Jones, HJH Girls Coach, Pamela.Jones@Sville.US
Darryl Beasley, UIL Assistant Athletic Director, dbeasley@uiltexas.org

JEFFREY B. NORRIS & ASSOC., P.C.

Jeffrey B. Norris*

September 4, 2012

B
Page 1

Ms. Kathy Ray
Assistant Superintendent
Stephenville Independent School District
2655 West Overhill
Stephenville, TX 76401

Dear Ms. Ray:

I. INTRODUCTION

This letter is directed to you in your capacity as the official designated to coordinate Stephenville Independent School District's ("District's") efforts to comply with Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, *et seq.* I represent Kevin McCully and Carlene McCully in connection with their efforts to obtain compliance with Title IX and its interpreting regulations as well as the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution as enforced through 42 U.S.C. § 1983.

As set forth below, it is our contention that the District has engaged, and continues to engage, in practices that violate federal law by imposing invidious discrimination against female athletes, including Carlene McCully and similarly situated students. While we believe the District's discriminatory practices are prevalent in the District's other campuses, the scope of this letter is limited to activities at Henderson Junior High School ("Henderson"), where Ms. McCully matriculates.

II. THE DISTRICT IS ENGAGING IN UNLAWFUL DISCRIMINATION

A. Unequal Treatment and Benefits in Athletic Programs

Title IX provides in relevant part: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance" 20 U.S.C. § 1681(a). Expounding on this principle, Title IX's implementing regulations provide that: "No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, be treated differently from another person or otherwise be discriminated against in any interscholastic, intercollegiate, club or intermural athletics

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offered by a recipient, and the recipient shall provide any such athletics separately on such basis.” 34 C.F.R. § 106.41(a).

These provisions require that under Title IX, schools must provide “equal treatment and benefits” to members of both sexes in their athletic programs. 44 Federal Register 71,413 (1979), the Department of Education, Office of Civil Rights’ 1979 Policy Interpretation. Equal treatment and benefits is assessed based on an overall comparison of male and female athletic programs, including an analysis of the following factors: “The provision of equipment and supplies; Scheduling of games and practice time; Travel and per-diem allowance; Opportunity to receive coaching and academic tutoring; Assignment and compensation of coaches and tutors; Provision of locker rooms, practice and competitive facilities; Provision of medical and training services; . . . and Publicity.”

In complete disregard of these legal obligations, the District has failed to provide its female athletes with equal treatment and benefits. The District’s discriminatory conduct at Henderson includes the following:

Practice Schedules

Female athletes are subjected to “split practices.” Female athletes that are on the A, B and C volleyball and basketball teams, for example, are required to practice one hour in the morning and another separate hour in the afternoon or evening. Female athletes are required to dress and attend class between these practice sessions. Sometimes, the separate evening sessions do not end until after 6:00 p.m. On the other hand, practice sessions for male athletes are scheduled to avoid this inconvenience. Seventh grade boys practice from approximately 7:00 a.m. until the end of first period. Eighth grade boys practice from the beginning of the final class period until approximately 4:30 p.m. In addition, the timing of female athletes’ practice sessions vary and are explicitly subject to change, while male athletes’ schedules are generally strictly adhered to.

Off-season and Summer Practice and Training Opportunities

Female athletes are denied the opportunity to practice their sports during the off-season and during summer. During the off-season, moreover, female athletes are relegated to non-physical activities or running bleachers. On the other hand, male athletes are given the opportunity to practice their sports, with coaching supervisor and assistance, during the summer and off-season. For example, seventh grade boys who go out only for basketball work out with the basketball coach during football season.

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Availability of Weight Room

Female athletes have no access to a weight room during the summer. Male athletes, on the other hand, are provided supervised access to a weight room for 13 hours each day, five days a week.

Availability of Coaching

Henderson employs at least seven coaches devoted to male sports teams, while it employs only three coaches for female teams. Henderson assigns five coaches to football alone; no female sport receives comparable coaching resources.

Special Participation Requirements

Female athletes who wish to play a sport are subjected to year-long commitments that do not apply to male athletes. Seventh grade female athletes cannot select a single sport in which to compete, but must enroll to participate in all female sports. For example, a seventh-grader cannot choose to play only volleyball; rather, she must commit to playing volleyball, basketball and track. No comparable requirement is imposed on seventh grade male athletes. For example, a male student who plays on the football team is not required to play basketball, baseball and/or track.

Locker Room Facilities

Even though Henderson was built more than 30 years after the enactment of Title IX, the female locker room facilities are vastly inferior to the male locker room facilities. For example, the female locker room provides female athletes with less than half of the space assigned to their male counterparts.

Equipment and Uniforms

Female athletes receive inferior equipment and uniforms in comparison with male athletes. For example, a large proportion of female volleyball and basketball players wear T-shirts, while male football and basketball players at every level receive jerseys substantially identical to those worn by players in the highest echelons.

Publicity

In a variety of ways, female athletes receive substantially less publicity and support than male athletes. The majority of pep rallies are always scheduled on the days of male football games. The pep rallies always emphasize football, while rarely, if ever, paying

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homage to female athletic teams. Moreover, cheerleaders and pep bands perform longer and with more regularity at male sporting events.

Funding

Female athletes do not receive the financial support provided to male athletes, either in the allocation of public funds and in the allocation of “booster” support.

B. Unequal Participation Opportunities in Athletic Programs

Under Title IX, schools must provide both sexes “equivalent participation opportunities.” Compliance is evaluated on the basis of both “the number of opportunities and whether the selection of sports and the level of competition effectively accommodate the interests and abilities of members of both sexes.” 44 Federal Register 71,413, the Policy Interpretation.

Compliance in the area of equivalent participation opportunities is determined by a three-part test:

1. whether . . . participation opportunities for male and female students are provided in numbers substantially proportionate to their respective enrollments;
2. where the members of one sex have been and are underrepresented . . . , whether the institution can show a history and continuing practice of program expansion which is demonstrably responsive to the developing interests and abilities of the members of that sex; or
3. where the members of one sex are under-represented among . . . athletes and the institution cannot show a continuing practice of expansion such as that cited above, whether it can be demonstrated that the interests and abilities of the members of that sex have been fully and effectively accommodated. See 44 Fed. Reg. 71,418

Even though the Policy Interpretation refers to “intercollegiate” sports, it is applicable to all recipients of federal education funds, including public schools, and is thus applicable to “interscholastic” sports. 34 C.F.R. § 106.11.

The District has failed to comply with each of the three parts of the test for determining the equal opportunity to participate in athletics under Title IX. Data reported by the District to the Office of Civil Rights of the Department of Education (“OCR”) demonstrates a gross disparity between the overall ratio of enrolled male and female students and the ratio of male to female athletes. This data establishes that 50.7 percent of the

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students enrolled at District schools are female. On the other hand, only 29.3 percent of the students participating in school-sponsored athletics are female.

The evidence indicates, moreover, even these statistics over-estimate the District's accommodation of the interests and abilities of female athletes. For example, OCR data credits the District separately for each sport in which she participates. Accordingly, Henderson's policy of requiring female students to enroll in all sports—even if they are only interested in participating in one—artificially inflates the District's female participation rate. As this requirement does not appear to have any other purpose, we assume that it has been adopted specifically for the purpose of inflating the female participation rate.

Moreover, the District also artificially inflates female participations rates by placing nearly half of its female volleyball and basketball players on so-called “fundamental” squads. While the District reports these students to the OCR as participating female athletes, the players on these fundamental squads play only two games each year against interscholastic competition. Male athletes have no similar athletic backwater.

Further, the District cannot show “a history and continuing practice of program expansion which is demonstrably responsive to the developing interests and abilities” of the District's female students. This is demonstrated by the District's own admissions. On August 1, 2012, I provided the District with a public records request to which I received a response on August 16, 2012.

The District's public records response illustrates the District's indifference to the disparity between male and female participation rates in athletics. The District admitted that there were: (1) no documents relating to “any attempts by the SISD to encourage female students to participate in interscholastic or intramural athletics”; (2) no documents relating to “any consideration or investigation by the SISD that it sponsor additional interscholastic or intramural sports for female students”; and (3) no documents relating to “any efforts by SISD to assess the athletic interests and/or abilities of male and/or female students, including but not limited to, any surveys taken to assess such interests and/or abilities.”

If the District's disregard for the law were reflected only in its words, that would be in itself regrettable. Unfortunately, the District's actions confirm it is not committed to providing equal opportunity under Title IX. We believe that there are dozens of young woman enrolled in extracurricular sports such as softball and soccer who would look forward to playing these sports on behalf of Henderson. Yet the District, by its own admissions, has failed to even consider adding either or both of these sports to increase female participation in interscholastic athletics. Accordingly, the District has intentionally ignored obvious opportunities to accommodate the interests and abilities of additional female students at Henderson.

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September 4, 2012

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C. Equal Protection Under the Fourteenth Amendment

By virtue of its (1) failure to provide female athletes with the same treatment and benefits as male athletes and (2) failure to provide equal athletic opportunities for female students, the District has discriminated against female students, including Carlene McCully, on the basis of sex and has intentionally deprived them of their rights to equal protection secured by the Fourteenth Amendment to the Constitution. Moreover, all individual District employees who knowingly participate in the District's discriminatory conduct are also culpable for violating the equal protection rights of Henderson female students. See 42 U.S.C. § 1983.

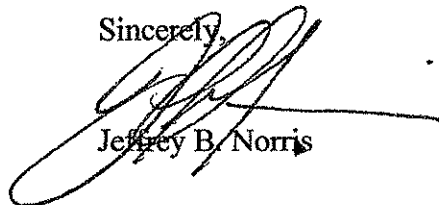
III. THE DISTRICT MUST REMEDY ITS UNLAWFUL CONDUCT

The District's unlawful conduct, as delineated above, has caused, and continues to cause, irreparable harm to Carlene McCully and similarly situated female athletes at Henderson. Mr. McCully is prepared to bring a civil rights class action in the United States District Court for the Northern District of Texas to obtain appropriate remedies, including declaratory and injunctive relief, against the District and culpable employees, on behalf of his daughter and other Henderson students.

Although we are prepared to litigate these issues, we request that the District voluntarily consent to take remedial action to eliminate its current discriminatory conduct. Specifically, we ask that the District enter into a Consent Decree, pursuant to which it agrees to eliminate unequal treatment of female athletes and take steps to provide female athletes with equal participation opportunities.

If the District is prepared to discuss a negotiated resolution of this matter, I invite you, or your counsel, to telephone me at (817) 851-3865 or email me at norrisj55@sbcglobal.net. If I have not heard from the District by September 20, 2012, I will assume that the District has determined to respond to these claims in court.

Sincerely,



Jeffrey B. Norris

cc: Mr. Kevin McCully
Kristen Galles, Esq.

c'
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Ms. Chris G. Elizalde
Attorney at Law

WALSH, ANDERSON,
GALLEGOS, GREEN
and TREVIÑO, P.C.

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ATTORNEYS AT LAW

October 3, 2012

Via CMRRR #7196 9008 9111 6017 8273

Mr. Jeffrey B. Norris
JEFFREY B. NORRIS & ASSOC., P.C.
6041 Turtle Creek Court
North Richland Hills, Texas 76180

Re: McCully Title IX Complaint and Stephenville Independent School District

Dear Mr. Norris:

This letter is to follow up on my preliminary response dated September 14 and our subsequent telephone conversation. We discussed the issues you have raised on behalf of your client regarding Stephenville ISD's compliance with Title IX.

As we discussed, the administrators at Stephenville ISD have been investigating your client's complaints regarding the athletics-related concerns. I am enclosing some documents that were previously supposed to have been provided to you. Additionally, I am responding to your specific demands. In our telephone conversation last month, I told you that Mr. McCully had submitted multiple oral and written demands and complaints to the District at approximately the same time that you sent your September 4 demand letter. I advised that our client would be submitting responses only to your correspondence. You agreed that was appropriate.

Female Participation in Sports & Schedules

One of the demands you have made is for the District to establish a higher level of female participation in athletics at the junior high school level. You suggested that girls' soccer or softball be offered in order to achieve that, citing the fact that soccer and baseball are offered for boys. At the junior high school level, the District has no soccer or softball program for girls and no baseball or soccer for boys. (At the high school level, both soccer and softball are available to girls; soccer and baseball are available to boys.)

At the junior high school level, established sports at this time are football, basketball, track, and cross country for boys. Established sports for girls include volleyball, basketball, track, and cross country. Powerlifting is also offered to both boys and girls, and girls who wish to participate in football can do so. Stephenville ISD offers dance at the junior high school level, and although not an activity that traditionally has been viewed as "athletics," it offers physical

Mr. Jeffrey B. Norris
JEFFREY B. NORRIS & ASSOC., P.C.
October 3, 2012
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activity and competition. At this point, approximately 54% of the female students at Henderson Junior High School participate in athletic sports, and 39% participate in dance.

You asked about practice schedules, claiming that only female athletes have "split practices." It is true that there are split schedules for some students. The reasons for that are not based on gender but on other non-discriminatory factors. Master schedules affect not only the 550+ students at the junior high school campus, but also the schedules of other campuses, since some of the teacher/coaches serve at both the high school and at the junior high school campuses. The administrators of the affected campuses are exploring possible options for changes to the master schedule, including possible practice schedule changes for the 2013-2014 school year. As we have discussed, practice schedules include not only before and after school practices, but also class times for which students attain physical education credit.

Regarding "fundamental" teams, your assumption that the District has such teams to inflate the figures of female student participation is completely baseless. The District has encouraged participation of any student, male or female, who wishes to participate in athletics, and to that end Stephenville ISD allows any junior high school student to play a sport regardless of ability. Unlike many other school districts, at this level the District does not "cut" student athletes based on their abilities. As a result, Stephenville ISD has not only A and B teams, but in some cases also C and D teams, which means that more students of both genders can participate in athletics. However, one of the effects is that there are limited opportunities for students to compete with other schools because other schools most often have only A and B teams. The District is not interested at this time in limiting participation of students at either the high school or junior high school level who wish to play sports. Where there is not enough competition from other schools in the area, the staff arranges other playing opportunities for the students.

Fundamental teams in volleyball and fundamental teams in football have very different needs. The differences in their practice schedules and location are based on non-discriminatory factors, including the size and type of facilities needed (i.e., outdoor fields for football, indoor gymnasiums for volleyball). In any case, high school coaches for girls' athletic teams work with the junior high school girls on their sports, even if not all athletes can be accommodated at the same time in a gymnasium.

Additionally, the schedules do change periodically for various teams, both boys and girls, so that all teams can share in the chance to have an early practice as opposed to having the same group of students with late practice on a consistent basis. The plan at this time is to make sure that the practice schedules for both boys and girls are communicated to students and parents earlier so there is improved notice of practice schedule changes.

Off-season Training and Facilities

During the spring and summer, the District has an arrangement with the City of Stephenville Parks and Recreation Department to employ a person to provide weight room access. In the spring, the weight room is open after school until 9 p.m., Monday through Thursday. During the summer, it is open Monday through Thursday from 8 a.m. to 9 p.m. This

Mr. Jeffrey B. Norris
JEFFREY B. NORRIS & ASSOC., P.C.
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is the weight room facility at Stephenville High School (SHS). It is available to the entire community, including all student athletes of both genders, at no charge. Also during the summer, Stephenville ISD coaches are available on a rotating basis during the morning hours for a supervised strength and conditioning regimen in compliance with University Interscholastic League (UIL) rules. All athletes, male and female, can participate. If a student wishes to use the weight room after that time, a workout regimen in compliance with UIL rules is provided to that student. Henderson Junior High weight room is not open or available to anyone during the summer. One change that will be made toward the end of the current school year is to ensure all students participating in athletics are informed of the summer schedule at the SHS weight room.

Currently, coaches from the high school, including head basketball and head volleyball coaches, work with all junior high school female students during athletics class periods for whatever sport is in season. The practice of having the high school coaches work with the students at the junior high school in various sports in the off-season will continue. The availability to both boys and girls at the junior high level of all level of coaches allows exposure to multiple techniques and learning opportunities for these student athletes.

Coaches, Equipment, Locker Rooms

Coaching staff numbers are based on the number of team members in a particular sport, number of students/athletes who participate in a sport, and other valid, non-discriminatory factors. Staffing needs are frequently reviewed, and the athletic staff is one of the areas that will be reviewed in the spring of 2013 in order to determine whether additional staff is needed in 2013-2014.

Uniforms have always been provided to student athletes, but jerseys have not been a standard uniform, particularly for the lower level teams. Once the concern was brought to the attention of the administrators, game jerseys were provided for all athletic team members.

Lockers for football athletes differ from those of most female athletes for reasons that have nothing to do with gender. One must take into account the size and amount of equipment required for the various sports. The Office of Civil Rights (OCR) has recognized that taking those factors into account is permissible under Title IX.

Multiple Sports Requirement

As I stated to you previously, there were legitimate non-discriminatory reasons for the requirement for 7th grade girls to participate in multiple sports, including encouraging them to try all available sports in order to broaden their experiences and help them develop interest in various sports. Now that the concerns under UIL rules have been brought to the administration's attention, the practice is discontinued.

Mr. Jeffrey B. Norris
JEFFREY B. NORRIS & ASSOC., P.C.
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Pep Rallies and Other Publicity

At Henderson Junior High School, pep rallies have honored both male and female athletes. Selection of the day of the week for the pep rallies has not been gender-based. The day of the week for pep rallies beginning this school year varies.

Certainly arrangements for cheerleaders at female sports events can be studied. It is important to note that in recent years, no males have chosen to try out or participate in cheerleading activities. The result is that all cheerleaders at the junior high school campus are females, and virtually all are also student athletes. It is not feasible for the female athletes to concurrently serve as cheerleaders at that same sporting event.

Follow-up Information

Since your August 2012 Public Information Act (PIA) request under Texas Government Code Chapter 552, (1993 re-codification of Article 6252-17) the staff at Stephenville ISD realized that some of the information you requested that should have been provided was inadvertently left out of the response. In accordance with the PIA, that omission is being rectified. To that end, I enclose a copy of the data the District submitted in 2011 to the OCR in response to its data collection request at the time. Information submitted was based on the Public Education Information Management System (PEIMS), the data collection system used by the Texas Education Agency.

Conclusion

We believe these responses show the District's good faith efforts not only to comply with Title IX but also to resolve your client's concerns informally. Stephenville ISD is in compliance with the law. If your client disagrees, the District's parent grievance Policy, FNG (Local), is available. You have indicated an intent to file a lawsuit; if that's the case, we will vigorously defend our client.

Please contact me if you have questions or wish to discuss these issues further.

Sincerely,



Ms. Chris G. Elizalde

CGE/cdg
Enclosures

cc: Via e-mail: Darrell.floyd@sவில்.us
Dr. Darrell Floyd
Superintendent of Schools
STEPHENVILLE INDEPENDENT SCHOOL DISTRICT
2655 West Overhill Drive
Stephenville, Texas 76401-3003

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Mr. Jeffrey B. Norris
JEFFREY B. NORRIS & ASSOC., P.C.
October 3, 2012
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Via First Class Mail

Dr. Ann Calahan
President, Board of Trustees
STEPHENVILLE INDEPENDENT SCHOOL DISTRICT
2655 West Overhill Drive
Stephenville, Texas 76401-3003

Via E-mail: kathy.ray@sவில்.us

Dr. Kathy Ray
Assistant Superintendent
STEPHENVILLE INDEPENDENT SCHOOL DISTRICT
2655 West Overhill Drive
Stephenville, Texas 76401-3003

Via E-mail: renee.goodwin@sவில்.us

Ms. Renee Goodwin
Principal
HENDERSON JUNIOR HIGH SCHOOL
2798 W. Frey
Stephenville, Texas 76401

Subject: Non Traditional Seasons

From: 77 <mccully@live.com>

Date: 2/23/2013 7:18 AM

To: KATHY RAY <KATHY.RAY@s ville.us>, darrell.floyd@s ville.us, RENEE GOODWIN <RENEE.GOODWIN@s ville.us>, JOSEPH W GILLESPIE <JOSEPH.W.GILLESPIE@s ville.us>, michael.carroll@s ville.us

BCC: Marty Cirkiel <marty@cirkielaw.com>, Elizabeth Angelone <EAngelone@cirkielaw.com>, Herb Dempsey <dempsey@ix.netcom.com>, Mark <mrossmiller@gmail.com>, Angie McCully <angmccully@live.com>

Good Morning,

I appreciate you all taken the time to meet and discuss the issues of girls athletics at Henderson Junior High yesterday. I think all of us are working hard on these issues. The possibility of adding an additional girls coach and an additional team of girls basketball with essentially a full slate of games is very encouraging.

However, I object to the proposal to move some of the Henderson Junior Volleyball participants to a spring league. I could site a variety of reason to why I personally object to non traditional seasons. However, the cases referenced below may provide better guidance.

Communities for Equity v. Michigan High School Athletic Association

Communities for Equity v. Michigan High School Athletic Ass'n (W.D. Mich.)

Summary Amicus Brief Court Opinion* Response to Defendant's Compliance Plan

Pedersen and United States v. South Dakota High School Activities Ass'n

Pedersen and United States v. South Dakota High School Activities Ass'n (S.D.)

Summary Complaint in Intervention Motion to Intervene Intervention Brief Consent Order Opposition Motion to Dismiss Order Denying Preliminary Injunction

Additionally, I have previously sent two letters to the Dr. Charles Breithaup voicing my concern that UIL mandates when junior high football is played but allows other sports to be played in non-traditional seasons. The point here is I have objected to this practice previously.

To move girls to a non traditional season is a step backwards. The girls need equitable opportunity in the traditional seasons.

Thank you,
Kevin McCully

Address to Stephenville Independent School District Board of Trustees

Stephenville, TX

July 16, 2013

Level Three hearing for multiple grievances brought against SISD for gender based discrimination, violations of SISD Board Policy, violations of Title IX, and violation of the Equal Protection Clause of the U.S. Constitution

At Henderson Junior High why does one student have a nice shiny athletic uniform that matches all his teammates while a student from another class gets a T-shirt and gym shorts for a uniform?

Why is one student provided with traditional sports seasons for all of his sports but students of the other class are forced into non traditional sports seasons?

Why, despite historically comparable participation numbers, does one class of students have six or eight coaches while the other class of students has a mere three coaches? Or perhaps 4 in the coming year.

Why does one student have a solid uninterrupted block of athletic practice every day while the student from the other class has her practice in two separate periods of the day?

Why does one student practice at the same time every day while the student from the other class has her practice start times vary every day and change perhaps daily?

Why is one student given the opportunity to choose which sports he participates in while the student from the other class must participate in all sports in order to participate in any sport?

Why is one student provided with practice outside of school hours while students from the other class and on the same level of team never allowed to practice outside of school hours?

Why? Because the later class of students are girls at Henderson Junior High.

They are girls. That's it. They are girls and therefore they are provided a small fraction of what boys enjoy at Henderson Junior High.

And despite all of the excuses and baseless reasoning provided to you by your Superintendent this is gender based discrimination.

SISD has made the choice to accept funds from the Federal government. Because of this, adherence to Federal law is not optional.

SISD is not exempt from civil rights laws. The popularity of one sport in a community does not exempt the school district from the U.S. Constitution.

I cannot comprehend how your Superintendent can sign emails with the phrase *'every student, every day'* as if he cares about every student and then open the junior high yearbook to see pictures of girls that went out for sports all year and never were given the opportunity to participate in a single interscholastic contest all year. Not one. But the other class of students have a full slate of contests, enough to make sure every student plays. Even more maddening is to review the letters from the District's attorney's stating that SISD is not discriminating against girls and that they will *'vigorously defend'* SISD against anyone making such claims.

Your Superintendent's latest act of *'every student, every day'* is to place 60% of the girls participating in volleyball in a non traditional season.

Why?

Because he doesn't want to hire an equitable number of coaches, provide equitable practice facilities or transport students to away contests in an equitable manner. In short, he doesn't want to spend money on girls.

Your superintendent will tell you that this non traditional volleyball season is necessary for girls because the school supposedly cannot find any volleyball contests for girls. That is false.

Let's look at some facts. Just one example is the 2012 7th grade football and volleyball teams. SISD transported the bottom 25% of the football players to Granbury once and twice to Graham, which is 85 miles away. These boys were provided with a total of 8 interscholastic contests.

Now compare that to the bottom 25% of the 7th grade volleyball players. How many interscholastic contests were they provided? None. Not a single one.

So that was the bottom fourth, let's compare the bottom half of the 2012 7th grade football and volleyball teams.

The bottom 55% of the girl's volleyball team was provided a mere two contests and one tournament with six players on the court at once. SISD transported the 12 girls out of the 46 that make up the 'F' team a whopping 33 miles to Gorman, the other two contests were at home.

But the bottom 50% of the 7th grade boy's football team had a total of 16 interscholastic contests with 11 players on the field at once. These boys were transported to Granbury, Mineral Wells, Fort Worth, and Graham.

Stephenville ISD is not providing equitable opportunities for girls to compete nor are they even trying to find the girls equitable contests. Their answer is to relegate them to a non traditional season to which no boys are subjected.

Here is a question for you. Would the Stephenville ISD football coaching staff endorse a schedule that had 60% of the junior high boys playing Three Way, DeLeon, Bluff Dale, Morgan Mill, and Hico? Nothing against these schools but they are not our

peers in regards to classification. So why is it acceptable for 60% of our junior high girls to compete against these schools and never against 3A and 4A schools?

Here is a simple map that includes a radius around Stephenville of 80 miles. The approximate distance that Henderson Junior High transported all four of the 7th grade boy's football teams in 2012. SISD wants you and me to believe that there are no schools within this area that will play our girls in volleyball. Henderson Junior High has contacted every junior high that this circle covers. Every school has said no to playing us in volleyball and therefore Dr. Floyd's answer is a non-traditional season?

Your Superintendent will tell you all about how Henderson Junior High doesn't cut girls from sports. Sure, SISD doesn't cut the girls. They are 'out' for the sport. But because they are girls and happen to be on the bottom fourth or half of their teams they have no uniforms, no true assigned coaches, no interscholastic contests, never practice outside of school hours and are subjected to a long list of additional inequities.

Girls have historical participation numbers that are comparable to boys. The girls should have had the same number of coaches at least since 2007 when SISD reported to the office of civil rights that there were 500 female participants and 450 male participants in sports at Henderson Junior High.

I have spent the last 10 months communicating these issues to your administration. I have submitted multiple public records requests. The most critical public records are never produced by the district, are delayed in being produced, or supposedly don't exist.

In regards to public records requests or the handling of these grievances the administration takes the full allowable time, every time. There is no urgency. They delay these girls in every way possible.

My daughter and her classmates will never get another opportunity to participate in 7th grade athletics. Because my daughter was on the 'F' team in one sport she was

never given the opportunity to practice outside of school hours for that sport and she had just two contests.

She endured this simply because she is a girl at Henderson Junior High.

Just because your Henderson Junior High principal is a woman does not mean she believes girls should be treated equally.

In the 2012 Henderson Junior High yearbook that I submitted to you last week there are pictures of the boys football teams and the girls "F" volleyball teams. Let's compare those uniforms.

Notice the differences in the quality of the uniforms?

Girls get T-Shirts and workout shorts.

Boys get sleek, shiny uniforms that say 'The Ville'!

It appears pretty obvious to me.

But when I filed a grievance with Ms. Goodwin about the disparity in uniforms at Henderson Junior High she didn't even answer it. Not a word. Nor did Dr. Floyd in his response to which Ms. Goodwin referred.

This is clear evidence of how your Henderson Junior High principal and your superintendent feels about civil rights, board policy, and federal law. You have a record of her response or the lack thereof.

A few weeks ago it was learned that Paula Deen, whom I had never heard of before then had made some racially charged statements. Ms. Deen suffered substantial financial loss because of her statements. The Stephenville Empire Tribune ran an editorial on June 30th about Ms. Deen and her statements. The Empire Tribune felt that Deen received just what she deserved and went on to say that

'Unless you live in a world where rose-colored glasses cloud your vision, you know that racism is alive and well. Outlawing bigotry, as we already know cannot change the hearts and minds of those still suffering from years of being immersed in a culture of racism.'

Inserting the word 'sexism' for 'racism' in this editorial is an interesting exercise.

At the end of the latest school year my daughter and her teammates were able to enjoy snow cones provided to them by the coaches. This is an annual tradition that the coaches are nice enough to do for the girls. Every girl was able to order from a wide variety of snow cones. The girls were getting ready to leave for this trip when a boy that attends Henderson Junior High told the girls that the girls have a tradition of eating snow cones and the boys have a tradition of winning state titles.

How impressive.

Has this boy been immersed in a culture similar to the one that the Empire-Tribune refers? Perhaps, but not just at home. This boy spends 50-60 hours per week in Henderson Junior High. He is taught sexism not just at home but also at our publicly funded school.

Do you think this boy doesn't notice how girls have to practice volleyball every Tuesday before school so girls will be available to watch his football games?

Has this boy noticed that his practice schedule is never amended so that boys can attend girl's contests?

Yes. He has noticed these things and so have the girls. The kids are all learning the lesson being taught to them by SISD.

My family and I live in this district, we pay taxes here and my daughter wants to participate in sports. But just because she is a girl she has about half the opportunity she would than if she were a boy.

Junior high schools existed in this country thirty years ago that provided boys and girls the same number of athletic contests, the same number of coaches, the same types of

uniforms, the same level of bussing, and so on. I know this because I attended such a junior high as did my wife. And yes, football is big there as well.

I would encourage you to not be duped into thinking that I am the lone parent that feels this way. There are lots of parents behind me that feel the same way but because of retaliation they say nothing. Retaliation exists, it is carried out at Henderson Junior High and it works.

This school district is facing certain litigation absent a plan that provides a clear and precise path to gender equity in athletics at Henderson Junior High. Any issues that can be solved without costing the district any money should be done prior to school starting which includes ending split practice for girls. If scheduling is the issue like your administration claims and all of this not gender based discrimination girls should have block practice this year and boys can have split practice. Additionally, forcing girls into a non traditional season while no boys have such a season should not happen, the school can find games in the fall season for those girls now, if they choose.

You would be wise to consider the motives and views of those providing you advice. I would encourage you to read a blog post by Jim Walsh, one of your attorneys titled 'Gone Fishin'. Read the blog and then ask yourself how Mr. Walsh really feels about women and girls. I'm sure he genuinely believes these girls already have more than they deserve. He will certainly be very passionate in his defense of the district should you chose that course.

I am certain that Darrell Floyd and Rene Goodwin really believe that these girls already have more than they deserve.

Perhaps you even agree with them.

But what you believe in regards to gender equity does not matter.

What matters is whether or not you think the District can prevail as a defendant in a Title IX lawsuit.

Don't be duped into thinking that just because every other district you know of is doing the same thing that you will prevail in court.

Demand that your attorneys provide you with case law on every one of these issues that proves they can successfully defend you on every issue.

Make sure to ask your attorneys about US code 1983 as well.

A lawsuit can certainly be avoided here. That is my hope. I want relief now so that my daughter and her classmates can enjoy what they are legally entitled to. But if you force me into a lawsuit, I will not fade away. But the only real winners will be Jim Walsh and the girls that attend Henderson Junior High years from now.

Do you really want to be known as a member of the school board that stood against equal rights for girls and cost the taxpayers a bunch of money in the process?

Federal District Judge Richard Enslen opened his ruling in Communities For Equity v. Michigan High School Athletic Association, a federal case that you all have a copy of and one that you would do well to read, with a quote from Denise McCluggage, a then 18 year old race car driver —

'Change is the only constant. Hanging on is the only sin.'

Ms. Chris G. Elizalde
Attorney at Law

WALSH, ANDERSON,
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and TREVIÑO, P.C.

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512/454-6864, Ext. 611

ATTORNEYS AT LAW

September 14, 2012

***Via CMRRR # 7196 9008 9111 0805 6984
and Via Email: norrisj55@sbcglobal.net***

Mr. Jeffrey B. Norris
JEFFREY B. NORRIS & ASSOC., P.C.
6041 Turtle Creek Court
North Richland Hills, Texas 76180

Re: Stephenville ISD

Dear Mr. Norris:

This letter is to follow up on my previous attempts to reach you by phone and e-mail. I understand that you called earlier today while I was on another telephone call. I returned your call but had to leave a message for you. As you know, my law firm represents the Stephenville Independent School District, and I am working with our client to address the concerns brought by your clients, Kevin McCully and Carlene McCully.

Mr. McCully sent to the District on Monday, September 3, a list of concerns regarding the athletic program, specifically referencing Title IX. In his e-mail, he requested a "detailed written plan" for resolving the issues he identified by September 15. In response to his e-mail, a member of the school staff contacted him the next day to schedule a conference; he met on September 4 with the Henderson Junior High School principal and Girls' Athletic Coordinator. On September 7, he communicated with the principal by phone and added two other items to his list of complaints. Since the conference, administrators at Stephenville ISD have not only begun looking into the allegations but also have tried to determine how to resolve the issues and concerns raised by your client. When they received your letter on September 10, (dated September 4) I advised that it would improper for staff to respond to your client and for me to separately respond to you. As I told you in my e-mail this week, please let your client know that the District will not be providing a response directly to him. Instead, I am responding on behalf of Stephenville ISD.

You raised some specific issues, and I will try to provide you with a few preliminary responses. However, the administrators, including the Title IX coordinator, are still investigating the allegations and looking into how best to make appropriate changes without disruption to the students.

Mr. Jeffrey B. Norris
JEFFREY B. NORRIS & ASSOC., P.C.
September 14, 2012
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One of the issues you raised was about practice schedules. It is true that there are split schedules for some students. Although the reasons for that are not based on gender but on other non-discriminatory factors, the perception can certainly be understood. The principal is planning on changing the master schedule, including practice schedules, next school year so that the division will be between grade levels, i.e., split practices for the younger, 7th grade athletes, and not for the 8th grade athletes. If done this year, such a change would require changing the schedules of a large majority of the 550+ students at the campus, along with the schedules of others at the high school and some of the teachers, which would cause great disruption. In any event, transitioning next school year means that your client's child would have no split practice when she is in the 8th grade.

Also related to the scheduling is the number of coaches for various sports. Coaching staff numbers are based on the number of team members in a particular sport, number of students/athletes who participate in a sport, and other valid, non-discriminatory factors. At the junior high school level, students who wish to participate in any sport are not cut based on ability. All are encouraged to participate. In other school districts, that is not the case, which also limits the number of teams available in the area for competitive play in certain sports. However, this is another issue that will be reviewed to make sure there are appropriate staffing levels for the various teams and sports for both boys and girls.

About the requirements for participation in multiple sports: There were legitimate non-discriminatory reasons for the requirement for 7th graders to participate in multiple sports. However, now that the UIL concerns have been brought to the administration's attention, the practice is discontinued.

These are a few examples of the types of issues that the administration is making efforts to address. School district policies are available on-line from a link on the Stephenville ISD web site at www.sville.us. As required by policy, the District Title IX Coordinator is working with other administrators to try to resolve your clients' concerns. Should the efforts that you and I make do not succeed, the District's parent grievance policy, FNG (Local), may apply.

I would like to discuss with you in more detail the types of concerns that can be resolved by agreement between our respective clients. I am hopeful we can do that without delay. Failing that, however, certainly we are prepared to vigorously defend our client in court if necessary.

Please contact me so that we can discuss these issues further. I look forward to hearing from you.

Sincerely,



Ms. Chris G. Elizalde

CGE/cdg

Mr. Jeffrey B. Norris
JEFFREY B. NORRIS & ASSOC., P.C.
September 14, 2012
Page 3

cc: ***Via Email: Darrell.floyd@sville.us***
Dr. Darrell Floyd
Superintendent of Schools
STEPHENVILLE INDEPENDENT SCHOOL DISTRICT
2655 West Overhill Drive
Stephenville, Texas 76401-3003

Via First Class Mail
Dr. Ann Calahan
President, Board of Trustees
STEPHENVILLE INDEPENDENT SCHOOL DISTRICT
2655 West Overhill Drive
Stephenville, Texas 76401-3003

Henderson JH Master Schedule 2012-2013	Room #	Ext #	1st	2nd	3rd	4th	A Lunch / 5th	5th / B Lunch	6th	7th	8th
Robertson	100	6843	Reading 7 Inc	Reading 7	Hive 7 SIT	Reading 7	A Conference	Reading 7	Reading 7	Reading 7 Inc	Reading 7
Parsons	332	6862	Reading 8 180	Reading 7 180	Hive 8 RTI	Reading 7 180	A Conference	Reading 7	Reading 7	Reading 7 Inc	Reading 7
Tarpley	102	6870	Eng 7 Inc.	Eng 7 Inc.	Hive 7	Eng 7	A Eng 7	Reading 7	Eng 7 Inc.	Eng 7 Inc.	Eng 7 Inc.
Hubbard	101	6859	Eng 7	Eng 7	Hive 7	Eng 7	A Eng 7	Reading 7	Eng 7	Eng 7	Eng 7
Gibson	114	6858	Reading 8	Reading 8	Hive 8	Reading 8	A Conference	Reading 8	Reading 8	Reading 8	Reading 8
Clemmer	116	6833	Eng 8	Eng 8	Hive 8	Eng 8	A Conference	Eng 8	Eng 8	Eng 8	Eng 8
Fanning	217	6854	Boys Ath 7	Eng 8 Inc.	Hive 7	Eng 8	A Eng 8	Eng 8	Eng 8	Eng 8	Eng 8
Whiteley	300	6879	Eng 8	Eng 8	Hive 7	Eng 8	A Eng 8	Eng 8	Eng 8	Eng 8	Eng 8
Hamilton	403	6841	Boys Ath 7	Hist 7	Lunch	Hist 7 Inc.	A Hist 7	Hist 7 Inc.	Hist 7 Inc.	Hist 7 Inc.	Hist 7 Inc.
Oakley	402	6861	Hist 7	Hist 7	Hive 7 Fall	Hist 7	A	Hist 7	Hist 7	Hist 7	Hist 7
Johnson	118	6830	Boys Ath 7	Hive 7	Hive 7 Sop	Boys PE	A Hist 7	Hist 7	Hist 7	Hist 7	Hist 7
Marwitz	216	6860	Boys Ath 7	Hist 8	Hive 8	Hist 8	A Hist 8	Hist 8	Hist 8	Hist 8	Hist 8
Roulston	117	6839	Hist 8 Inc	Hist 8 Inc	Cheer 7/8	Hist 8	A Hist 8	Hist 8	Hist 8	Hist 8	Hist 8
Isbell	310	6857	Math 7 Inc.	Math 7 Inc.	Hive 7 RTI	Math 7 Inc.	A Math 7	Math 7	Math 7	Math 7	Math 7
Thompson	105	6833	Math 7	Math 7	Hive 7	Math 7	A Math 7	Math 7	Math 7	Math 7	Math 7
Edwards K	314	6842	Math 8	Math 8	Hive 7	Math 8	A Math 8	Math 8	Math 8	Math 8	Math 8
Rahnev	322	6835	Math 8	Math 8	Hive 8	Math 8	A Math 8	Math 8	Math 8	Math 8	Math 8
Shaw	320	6832	Boys Ath 7	Math 8 Inc.	Hive 8	Math 8	A Math 8	Math 8	Math 8	Math 8	Math 8
Esquivel	200	6836	Boys Ath 7	Math 8	Hive 7	Math 8	A Math 8	Math 8	Math 8	Math 8	Math 8
Kirk	203	6850	Boys Ath 7	Math 8	Hive 7	Math 8	A Math 8	Math 8	Math 8	Math 8	Math 8
Kimbler	206	6856	Sci 7 Inc.	Sci 7	Hive 7	Sci 7	A Sci 7	Sci 7	Sci 7	Sci 7	Sci 7
Harter	224	6834	Sci 8	Sci 8	Hive 8	Sci 8	A Sci 8	Sci 8	Sci 8	Sci 8	Sci 8
McKinzie	221	6855	Sci 8 Inc	Sci 8	Hive 8	Sci 8	A Sci 8	Sci 8	Sci 8	Sci 8	Sci 8
Byrd	215	6847	Tech App 7	Tech App 7	Hive 8	Tech App 7	A Tech App 7	Tech App 7	Tech App 7	Tech App 7	Tech App 7
Hernandez	330	6840	Spanish 8	Spanish 8	Hive 8	Spanish 8	A Spanish 8	Spanish 8	Spanish 8	Spanish 8	Spanish 8
Warren	312	6851	Inclusion	ESL	Hive 8	ESL	A ESL	ESL	ESL	ESL	ESL
Jones	214	6852	PAIS 8	PAIS 8	Hive 8	PAIS 8	A PAIS 8	PAIS 8	PAIS 8	PAIS 8	PAIS 8
Green	Gym	6819	PAIS 8	PAIS 8	Hive 8	PAIS 8	A PAIS 8	PAIS 8	PAIS 8	PAIS 8	PAIS 8
Kelsey	Gym	207	PAIS 8	PAIS 8	Hive 8	PAIS 8	A PAIS 8	PAIS 8	PAIS 8	PAIS 8	PAIS 8
Abbe	205	6846	PAIS 8	PAIS 8	Hive 8	PAIS 8	A PAIS 8	PAIS 8	PAIS 8	PAIS 8	PAIS 8
Stallsmith	305	6837	PAIS 8	PAIS 8	Hive 8	PAIS 8	A PAIS 8	PAIS 8	PAIS 8	PAIS 8	PAIS 8
Short	305	6462	PAIS 8	PAIS 8	Hive 8	PAIS 8	A PAIS 8	PAIS 8	PAIS 8	PAIS 8	PAIS 8
Lawless	305	6480	PAIS 8	PAIS 8	Hive 8	PAIS 8	A PAIS 8	PAIS 8	PAIS 8	PAIS 8	PAIS 8
Childs	305	6458	PAIS 8	PAIS 8	Hive 8	PAIS 8	A PAIS 8	PAIS 8	PAIS 8	PAIS 8	PAIS 8
Sword	401	6845	PAIS 8	PAIS 8	Hive 8	PAIS 8	A PAIS 8	PAIS 8	PAIS 8	PAIS 8	PAIS 8
Tucker T/H	401	6467	PAIS 8	PAIS 8	Hive 8	PAIS 8	A PAIS 8	PAIS 8	PAIS 8	PAIS 8	PAIS 8
Tucker MWF	401	6467	PAIS 8	PAIS 8	Hive 8	PAIS 8	A PAIS 8	PAIS 8	PAIS 8	PAIS 8	PAIS 8
Weber	11b	6810	Library Aides	Library Aides	Hive 8 SIT	Library Aides	A Library Aides	Library Aides	Library Aides	Library Aides	Library Aides
Carter S	400	6831	Life Skills	Life Skills	Hive 8	Life Skills	A Life Skills	Life Skills	Life Skills	Life Skills	Life Skills
Rasmussen	400	6831	Life Skills	Life Skills	Hive 8	Life Skills	A Life Skills	Life Skills	Life Skills	Life Skills	Life Skills
Wilson	400	6831	Life Skills	Life Skills	Hive 8	Life Skills	A Life Skills	Life Skills	Life Skills	Life Skills	Life Skills
Dawes	113	6863	Behavior	Behavior	Hive 8	Behavior	A Behavior	Behavior	Behavior	Behavior	Behavior
Hohertz	113	6863	Behavior	Behavior	Hive 8	Behavior	A Behavior	Behavior	Behavior	Behavior	Behavior
Farrow	111	6864	ISS	ISS	Hive 8	ISS	A ISS	ISS	ISS	ISS	ISS
Gray	11b	6831	Sci 8 Inc Rm 20	Hist 8 Inc	Hive 8	Hist 8 Inc	A Hist 8 Inc	Hist 8 Inc	Hist 8 Inc	Hist 8 Inc	Hist 8 Inc
McGarvey	104	6844	RTI	RTI	Hive 8	RTI	A RTI	RTI	RTI	RTI	RTI
McGee	316	6848	Inc. Math 7	Inc. Math 7	Hive 8	Inc. Math 7	A Inc. Math 7	Inc. Math 7	Inc. Math 7	Inc. Math 7	Inc. Math 7
Haggard	107	6838	Learn Lab	Learn Lab	Hive 8	Learn Lab	A Learn Lab	Learn Lab	Learn Lab	Learn Lab	Learn Lab
Danley	107	6838	Learn Lab	Learn Lab	Hive 8	Learn Lab	A Learn Lab	Learn Lab	Learn Lab	Learn Lab	Learn Lab
Stages	302	6849	Inc. Read 180	Inc. Read 180	Hive 8	Inc. Read 180	A Inc. Read 180	Inc. Read 180	Inc. Read 180	Inc. Read 180	Inc. Read 180
Toppling	302	6849	Inc. Science 7	Inc. Science 7	Hive 8	Inc. Science 7	A Inc. Science 7	Inc. Science 7	Inc. Science 7	Inc. Science 7	Inc. Science 7
Wood	107	6849	Inc. Reading 7	Inc. Reading 7	Hive 8	Inc. Reading 7	A Inc. Reading 7	Inc. Reading 7	Inc. Reading 7	Inc. Reading 7	Inc. Reading 7
Metzger	Gym	6849	Inc. Reading 7	Inc. Reading 7	Hive 8	Inc. Reading 7	A Inc. Reading 7	Inc. Reading 7	Inc. Reading 7	Inc. Reading 7	Inc. Reading 7
Etters	Gym	6849	Inc. Reading 7	Inc. Reading 7	Hive 8	Inc. Reading 7	A Inc. Reading 7	Inc. Reading 7	Inc. Reading 7	Inc. Reading 7	Inc. Reading 7
Normand	Gym	6849	Inc. Reading 7	Inc. Reading 7	Hive 8	Inc. Reading 7	A Inc. Reading 7	Inc. Reading 7	Inc. Reading 7	Inc. Reading 7	Inc. Reading 7
Thorpe	Gym	6849	Inc. Reading 7	Inc. Reading 7	Hive 8	Inc. Reading 7	A Inc. Reading 7	Inc. Reading 7	Inc. Reading 7	Inc. Reading 7	Inc. Reading 7

JH Master Schedule		1st	2nd	3rd	4th	A	5th	B	6th	7th	8th
2011-2012		8:00-8:50	8:55-9:50	9:55-10:25	10:30-11:20	11:20-11:50	11:55-12:45	12:15-12:45	12:50-1:40	1:45-2:35	2:40-3:30
Henderson						A					
Barsons	Reading /-inc			Hive /	Reading /-inc	A	Reading /		Theatre 8	Theatre /	Theatre /
Whiteley	Reading /			Hive /	Reading /	A	Reading /		Reading /	Reading /	Reading /
Roberson	PreAP English /			SIT /	Reading /	A	PreAP English /		Reading /	PreAP English /	PreAP English /
Edwards J	English /			Hive 7	English /	A	English /		English /	English /	English /-inc
Hubbard	ELA 8-inc			Hive 8	English /		ELA 8		PreAP ELA 8	ELA 8	ELA 8
Clemmer	PreAP ELA 8			SIT 8	ELA 8		PreAP ELA 8		PreAP ELA 8	ELA 8	ELA 8
Staggs	Inclusion			tutor	Inclusion	A	Resource 8		Resource 8	Resource /	Resource /
Isbell	Math /		Math /	RII	Math /	A	Math /-inc		Math /	Math /	Math /
Heers	Math 8		Math 7-inc		PreAP Math /	A	PreAP Math /		PreAP Math /	PreAP Math /	PreAP Math /
Edwards K	Math 8		PreAP Math 7	Hive	Math 8-inc	A	Math 8		Math 8-inc	Math 8	Math 8
Shaw	PreAP		Algebra 1	Hive 8	Math 8		Math 8		Math 8	Math 8	Algebra 1
Rainey	Algebra 1		Algebra 1	Hive 8	Resource /	A	Inclusion		Inclusion	PreAP Sci /	Inclusion
McCree	Resource 8		Inclusion	tutor	Resource /	A	PreAP Sci /		Science /	Science /	PreAP Sci /
McKinzie	Science /		PreAP Sci /	Hive /	PreAP Sci /	A	Science /		Science /	Science /	Science /
Esquivel	Science 8		Science /	Hive 7	Science /	A	Science /		Science /	Science /	Science /
Well	Science 8		Science 8	Hive 8	Science 8		Science 8		Science 8	Science 8	Science 8
Carter	Boys Ath 7		Boys Ath 7	Hive 8	PreAP Sci 8		PreAP Sci 8		PreAP Sci 8	PreAP Sci 8	PreAP Sci 8
Harter	PreAP Sci 8		PreAP Sci 8	Hive 8	PreAP Sci 8		PreAP Sci 8		PreAP Sci 8	PreAP Sci 8	PreAP Sci 8
Hamilton	Boys Ath 7		History /	Lunch	History /		History /		History /	History /	History /
Mahy	Boys Ath 7		History /	Hive 7	History /	A	History /		History /	History /	History /
Oakley	History /		PreAP Hist 7	Yearbook	PreAP Hist 7	A	PreAP Hist 7		PreAP Hist 7	PreAP Hist 7	PreAP Hist 7
Smith	Boys Ath 7		Boys Ath 7	Hive 7	History 8		History 8		History 8	History 8	History 8
Johnson	Boys Ath 7		PreAP Hist 8	Art Coor	PreAP Hist 8		PreAP Hist 8		PreAP Hist 8	PreAP Hist 8	PreAP Hist 8
Rouison	PreAP Hist 8		History 8	Cheer 7/8	History 8		PreAP Hist 8		PreAP Hist 8	PreAP Hist 8	PreAP Hist 8
McGarvey	RII		RII	RII	RII	A	RII		RII	RII	RII
Warren	ESL		ESL	Hive 7/8	ESL	A	Inclusion		PALS	PALS	PALS
Herrandez	Spanish 8		Spanish 8	Hive /	Spanish 8		Spanish 8		Spanish 8	Spanish /	Spanish /
Jones	PALS		PALS	Hive 8	PALS		PALS		PALS	PALS	PALS
Byrd	Tech App		Tech App	Hive 8	Tech App		Tech App		Tech App	Tech App	Tech App
Green	Tech App		Tech App	Hive 8	Tech App		Tech App		Tech App	Tech App	Tech App
Schmidt	Tech App		Tech App	Hive 8	Tech App		Tech App		Tech App	Tech App	Tech App
Schultz	Tech App		Tech App	Hive 8	Tech App		Tech App		Tech App	Tech App	Tech App
Stalmsmith	Tech App		Tech App	Hive 8	Tech App		Tech App		Tech App	Tech App	Tech App
Short	Tech App		Tech App	Hive 8	Tech App		Tech App		Tech App	Tech App	Tech App
Lawless	Tech App		Tech App	Hive 8	Tech App		Tech App		Tech App	Tech App	Tech App
Chids	Tech App		Tech App	Hive 8	Tech App		Tech App		Tech App	Tech App	Tech App
Sword	Tech App		Tech App	Hive 8	Tech App		Tech App		Tech App	Tech App	Tech App
Tucker	SHS		SHS	Lunch	SHS		SHS		SHS	SHS	SHS
Phillips	Learn Lab		Learn Lab	Hive Sub	Learn Lab		Learn Lab		Learn Lab	Learn Lab	Learn Lab
Hohertz	Behavior		Behavior	Behavior	Behavior		Behavior		Behavior	Behavior	Behavior
Farrow	ISS		ISS	ISS	ISS		ISS		ISS	ISS	ISS
Weber	Library Aides		Library Aides	SIT	Library Aides		Library Aides		Library Aides	Library Aides	Library Aides
Snyder	Behavior		Behavior	Behavior	Behavior	A	Behavior		Behavior	Behavior	Behavior
Shipp	Inclusion		Inclusion	Inclusion	Inclusion		Inclusion		Inclusion	Inclusion	Inclusion
Pendleton	Learn Lab		Learn Lab	Learn Lab	Learn Lab	A	Learn Lab		Learn Lab	Learn Lab	Learn Lab
Topping	Inclusion		Inclusion	Inclusion	Inclusion		Inclusion		Inclusion	Inclusion	Inclusion
Normand	Boys Ath 7		Boys Ath 7	Boys Ath 7	Boys Ath 7		Boys Ath 7		Boys Ath 7	Boys Ath 7	Boys Ath 7
Boxley	Boys Ath 7		Boys Ath 7	Boys Ath 7	Boys Ath 7		Boys Ath 7		Boys Ath 7	Boys Ath 7	Boys Ath 7
Marowitz	Boys Ath 7		Boys Ath 7	Boys Ath 7	Boys Ath 7		Boys Ath 7		Boys Ath 7	Boys Ath 7	Boys Ath 7
Metzger	Boys Ath 7		Boys Ath 7	Boys Ath 7	Boys Ath 7		Boys Ath 7		Boys Ath 7	Boys Ath 7	Boys Ath 7
Thorpe	Boys Ath 7		Boys Ath 7	Boys Ath 7	Boys Ath 7		Boys Ath 7		Boys Ath 7	Boys Ath 7	Boys Ath 7
Lowery	Boys Ath 7		Boys Ath 7	Boys Ath 7	Boys Ath 7		Boys Ath 7		Boys Ath 7	Boys Ath 7	Boys Ath 7
Hill C	Boys Ath 7		Boys Ath 7	Boys Ath 7	Boys Ath 7		Boys Ath 7		Boys Ath 7	Boys Ath 7	Boys Ath 7

Henderson Jr. High
2010-2011 School Year (8/31/10)

Teacher	Rm #	Period 1	Period 2/DR	Period 3	Period 4	HIVE	Period 5	Period 7	Period 8
Reemling	114	8:10-9:00	9:04-9:54/10:00	10:04-10:54	A/11:32-12:22 OR 10:58-11:48/B	12:26-12:56	1:00-1:50	1:54-2:44	2:48-3:38
Clemmer	116	Eng 8	Perf. Speech	Eng 8 - Inc	A/Cont.	Open/SIT	Eng 8 - Inc	Eng 8	Eng 8
McGarvey	104	Res. 8th	Res. 8th	Inclu.	A/Cont.	Tutor	Inclu.	P-AP Eng 8	Eng 8
Roberson	100	Conf.	P-AP Eng 7	Read 7 - Inc	A/Cont.	SIT	Read 7	P-AP Eng 7	Eng 8
Whitley	105	Conf.	Read 7	Read 7	A/Cont.	HIVE	Read 7	Read 7	Read 7
Parsons	332	TAKS ACC	Eng 7	Theatre Arts	A/Cont.	HIVE	Theatre A 7	Theatre A 7	TAKS ACC 7
Edwards	102	Conf.	Eng 7	Eng 7	Eng 7	SSI tutor	Eng 7 - Inc	Eng 7	Eng 7 - Inc
Carter	217	Boys Ath 7	Sci 8	Sci 8	Sci 8/B	HIVE	Sci 8	Cont.	Boys Ath 8
Haier	224	P-AP Sci 8	Sci 8	Sci 8	P-AP Sci 8/B	HIVE	P-AP Sci 8	Cont.	P-AP Sci 8
Weil	221	Sci 8	Sci 7	Sci 7	Sci 8/B	HIVE	Sci 7	Cont.	Boys Ath 8
Esquivel	200	Boys Ath 7	Sci 7	Sci 7	A/Sci 7	HIVE	Sci 7	Cont.	Boys Ath 8
McKinzie	203	Sci 7	P-AP Sci 7	P-AP Sci 7	A/P-AP Sci 7	HIVE	Sci 7	Cont.	P-AP Sci 7
Carroll	118	Boys Ath 7	Conf.	Hist 8	P-AP Hist 8/B	SIT	P-AP Hist 8	Hist 8	Boys Ath 8
Hamilton	302	Boys Ath 7	Hist 7	Hist 7	XXXXXXXXXXXXXXXXXXXX	XXXXXXXXXX	Conf/Travel	Hist 7	Boys Ath 8
Roultson	403	P-AP Hist 8	Conf.	Hist 8	Hist 8/B	Cheer	Hist 8	P-AP Hist 8	Hist 8
Johnson	117	Boys Ath 7	Conf.	Hist 8	Lunch Duty/ 332 D-Hall	HIVE	Hist 8	P-AP Hist 7	Boys Ath 8
Mabry	300	Boys Ath 7	Conf.	Hist 7	A/Hist 7	HIVE	Hist 7	Hist 7	Boys Ath 8
Oakley	402	Hist 7	Conf.	P-AP Hist 7	A/Hist 7	HIVE	P-AP Hist 7	Yearbook/vec	P-AP Hist 7
Edwards	314	P-AP Math 7	P-AP Math 7	Math Lab 7	A/ Math Lab 7	HIVE	Conf.	P-AP Math 7	P-AP Math 7
Hardcastle	320	Boys Ath 7	Alg 1	Alg 1	Alg I/B	HIVE	Conf.	AD Conf.	Boys Ath 8
Warren	330	Math Lab 8	Math Lab 8	Math 8	Math 8/B	HIVE	Conf.	Math 8 - Inc	Math 7
Isbell	310	Math 7	Math 7	Math 7	A/ Math 7 - Inc	HIVE	Conf.	Math 7	Math 7
McGee	316	Self-Contain	Res. M 7	Res. M 8	Inclu.	Tutor	Conf.	Inclu.	Inclu.
Rainey	322	Math 8	Math 8	Math 8	Math 8/B	HIVE	Conf.	Math 7	Math 7
Shaw	312	Pre-Alg.	Pre-Alg.	ESL (Adv/Ad	ESL (Begin/ty B	HIVE	Conf.	ESL Incl.	ESL Incl.
Byrd	215	Tech App	Tech App	Tech App	Conf./B	Open Tutor	Tech App	Tech App	Tech App
Jones	214	PALS	PALS	PALS	Lunch Duty/ 332 D-Hall	HIVE	Girls Ath 7	Girls Ath 8	Conf.
Hernandez	101	Span 8	Span 8	Conf.	Lunch Duty/ 332 D-Hall	HIVE	Span 7	Span 7	PALS
Schmidt	301	XXXXXXXXXX	Dance 2	Dance 3	A/ Dance 4	XXXXXXXXXX	Girls Ath 7	Girls Ath 8	Conf.
Green	107	Beh. Unit	Conf.	XXXXXXXXXX	PE Girls / B	XXXXXXXXXX	Girls Ath 7	Girls Ath 8	Conf.
Phillips	113	Beh. Unit	Beh. Unit	Beh. Unit	A/Cont.	Beh. Unit	Beh. Unit	Beh. Unit	Beh. Unit
Belah	320/21	LMS - 8	PE Boys	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	PALS	PALS	XXXXXXXXXX
Lambard	205	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Art 8	Art 7	XXXXXXXXXX
Smith	305	XXXXXXXXXX	XXXXXXXXXX	Symp. Band	Concert Band / B	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
Stallsmith	401	Choir 1	Choir 2	Choir 3	XXXXXXXXXX	XXXXXXXXXX	Self-Contain	Self-Contain	Self-Contain
Sword	400	Conf.	Self-Contained	Self-Contain	A/Self-Contain	Self-Contain	Self-Contain	Self-Contain	Self-Contain
Lowery/Hill	111	SAC	SAC	A/SAC	A/SAC	SAC	SAC	SAC	SAC
Lesley	alide	Parsons	Learn Lab	Roaming	Beh. Unit	Lunch	Roaming	Learn Lab	J. Edwards
Pandeleon	alide	Learn Lab	Learn Lab	Isbell	A/ Learn Lab	Learn Lab	Learn Lab	Learn Lab	Parsons
Topping	alide	McGarvey	McGarvey	Learn Lab / B	McGarvey	McGarvey	McGarvey	McGarvey	McGarvey
Christian	Office	Office aides	Office aides	Office aides	Office aides	Office aides	Office aides	Office aides	Office aides
Weber	Lib.	Library aides	Library aides	Library aides	Library aides	SIT/Open	Library aides	Library aides	Library aides
Dacus	Gym	Boys Ath 7	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Boys Ath 8
Boxley	Gym	Boys Ath 7	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Boys Ath 8
Wright	Gym	Boys Ath 7	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Boys Ath 8
Thorp	Gym	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
Masker	Gym	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX

Lambard

Hqs.

Conf.

JH

JH

tutor

601

601

601

5
C
D

U110

Teacher	Room #	Period 1	Period 2/DEAR	Period 3	Period 4	Period 5 L/Tut.	Period 6	Period 7	Period 8
		8:10-9:00	9:04-9:54/10:02	10:06-10:56	11:00-11:50	11:53-12:23/12:25-12:55	12:59-1:49	1:53-2:43	2:47-3:37
Barber 7	402	Conf.			Eng 7	A		Eng 7	Prep Eng 7
Stemmer 8	116	Conf.	Eng 8		Eng 8	B		Eng 8	Prep Eng 8
McElroy 8	113	Conf.	Eng 8	Eng 8	Eng 8	B/8th g SIT	Eng 8	Eng 8	Prep Eng 8
McGarvey 7/8	104	Conf.		Res. R/aide	Res. Eng 8/aide	A/no study hall	Res. R 8/aide	Res. R 7/aide	Res. Eng 7/aide
Poppin 7	300	Conf.	Reading 7	Reading 7	Reading 7	A	Reading 7	Reading 7	Reading 7
Roberson 7	101	Conf.	Eng 7	Eng 7	Reading 7	A/7th g SIT	Eng 7	Eng 7	Eng 7
Boeming 7/8	403	Eng 8	Conf.	Speech 8	Perf. Speech 8	A	Eng 7	Speech 7	Speech 7
Swatsell 7	302	Conf.	Reading 7	Reading 7	DV Reading 8	A	DV Reading 8	DV Reading 7	Reading 7
Garter 7	217		Sci 8	Sci 8	Conf	B	Sci 8	Sci 8	
Fesquivel 7	221		Sci 8	Sci 8	Conf	B	Sci 8	Sci 8	
Hatter 7	224				Conf	B	Prep Sci 8	Sci 8	Sci 8
McKinzie 7	203	Sci 7	Sci 7		Conf	A	Sci 7		Sci 7
Hargrove 7	206	Sci 7	Sci 7	Sci 7	Conf	A			Sci 7
Carroll 7	118		Conf.			B	Hist 8		
Johnson 7	107		Conf.	Hist 7	Hist 7		Hist 7	Hist 7	
King 7	214		Conf.	Hist 8	Hist 8		Hist 8	Hist 8	
Oakley 7	100	Hist 7	Conf.			A			
Mayby 7	105		Hist 7	Hist 7	Hist 7				Conf
Coulston 7	216		Conf.	Hist 8	Hist 8	A/Cheerleaders	Hist 8		Hist 8
Edwards 7	314					A		Math 7	Math 7
Hardcastle 8	320		Alg 1	Alg 1	Alg 1	B	Conf	AD Conf	Math 7
Harris 8	114	Math 8	Math 8	Math 7	Math 7	A	Conf	Math 7	Math 8
Isbell 7	102	Math 7	Math 7	Math 7	Math 7	A/no study hall	Conf		Self-Contained
McCree 7/8	316	Res. Math 7/aide	Res. Math 8/aide	Math 8	Math 8	B	Conf		Math 8
Grimes 8	117	Math 8	Math 8	Math 8	Math 8	B	Conf		Math Lab 7/8
Shaw 8	312	Math 8	Math 8	ESL		B			
Byrd 7	215					B			
Jones 7	322				Conf				
Evans 7	301	XXXXXXXXXX	Dance B	Dance A	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
Green 7	301	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	PE Girls	B	XXXXXXXXXX	XXXXXXXXXX	Conf
Piermandez 7	200	Spanish 8	Spanish 8	Spanish 8					Conf
Betty 7	332				Conf	A/no study hall			
Phillips 7	310		Conf.			A/no study hall			
Lombard 7	330	LMS 8	PE Boys	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
Smith 7	205	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Art 8	Art 7	XXXXXXXXXX
Ballsmith 7	305	XXXXXXXXXX	XXXXXXXXXX	Band	Band	A	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
Sword 7	401	Choir	Choir	Choir	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
Hodges 7	400	Self-Contained	Self-contained	Self-Contained	Self-Contained	A	Self-Contained	Self-Contained	Conf

Henderson Junior High
Teacher Schedules 2008-2009

G
Page 5

* A Lunch

Lunch 11:20 - 11:50

Per 4 11:55 - 12:45

* B Lunch

Per 4 11:25 - 12:15

Lunch 12:15 - 12:45

Name	Rm	Per 1 8:00 to 8:50	Per 2 8:55 to 9:45	DEAR 9:50 to 10:25	Per 3 10:30 to 11:20	Lunch *	Per 4 *	Per 5 12:50 to 1:40	Per 6 1:45 to 2:35	Per 7 2:40 to 3:30
P. Barber	402	Eng 7	AP Eng 7	7	AP Eng 7	A	AP Eng 7	Eng 7	Conf	AP Eng 7
E. Briseño	312	ESL 8	ESL 7	ESL	Inclusion	A	Conf.	Inclusion	Math 8	Math8
K. Byrd	215	Tech App	Tech App		Tech App	B	Tech App	Tech App	Conf	Tech App
S. Carroll	118	Sports 7	AP Hist 8	8	Hist 8	B	Ap Hist 8	Hist 8	Conf	Sports 8
J. Carter	217	Sports 7	Sci 8	8	Sci 8	B	Sci 8	Sci 8	Conf	Sports 8
P. Clemmer	116	Eng 8	AP Eng 8	8	AP Eng 8	B	Eng 8	AP Eng 8	AP Eng 8	Conf
K. A. Edwards	314	AP Math 7	AP Math 7	7	Conf	A	Math 7	AP Math 7	Math 7	Math 7
J. Esquivel	221	Sports 7	Sci 7	8	Conf	B	Sci 8	Sci 7	Sci 7	Sports 8
S. Evans	301		Dance 8		Dance 7					
D. Green	301					A	PE	Sports 7	Sports 8	Conf
G. Hardcastle	117	Sports 7	Alg 1		Conf	B	Lunch Duty	Alg 1	Ath Director	Sports 8
B. Harris	114	Math 8	Pre-Alg 8	8	Conf	B	Math Lab 8	Pre-Alg 8	Math Lab 8	Math 8
S. Hatler	224	AP Sci 8	Conf		AP Sci 8	B	AP Sci 8	AP Sci 8	Sci 8	Sci 8
J. Hernandez	200	Span 8	Span 8	7	Span 8	B	Lunch Duty	Span 7	Span 7	Conf
S. Isbell	102	Math 7	Math 7	7	Conf	A	Math 7	Math 7	Math 7	Math 7
B. Johnson	107	Sports 7	Conf.	7	Hist 8	B	Hist 8	Hist 7	Hist 7	Sports 8
P. Jones	322	PALS 8	PALS 8	8	PALS 8	B	Conf.	Sports 7	Sports 8	PALS 8
J. King	214	Sports 7	Conf	8	Hist 8	B	Hist 8	Hist 8	Hist 8	Sports 8
V. McElroy	113	Eng 8	Eng 8	8	Eng 8	B	Conf.	Eng 8	Eng 8	Eng 7
K. McGarvey	104	Res Rdg	Res Eng		Conf	A	Res Rdg	Res Eng	Res Rdg	Res Eng
L. McGee	316	Res Math 7	Inclusion 7		Conf	B	Inclusion 8	Res Math 8	Beh Un	Res Math 7
K. McKinzie	203	Sci 7	Sci 7	7	Sci 7	A	Sci 7	Conf	Sci 7	Sci 7
A. Falls	320	Math 8	Math 8	8	Conf	B	Math 8	Math 8	Math Lab 7	Math Lab 7
V. Oakley	100	AP Hist 7	Conf	7	His 7	A	AP Hist 7	AP Hist 7	AP Hist 7	His 7
M. Parks	105	Hist 7	Hist 7	7	Hist 7	A	Hist 7	Health	Health	Conf
D. Petty	332	Beh Un	Beh Un		Beh Un	B	Beh Un	Conf	Beh Un	Beh Un
N. Phillips	310	Learn Lab	Learn Lab		Learn Lab	B	Learn Lab	Learn Lab	Conf.	Learn Lab
K. Pippin	300	Conf	Adv. Read 7	7	Read 7	A	Read 7	Read 7	Read 7	Adv. Read 7
E. Rivas	117	LMS 8	PE	8	LMS 8	B	PALS 8			
K. Roberson	101	Rdg 7	Rdg 7		Rdg 7	A	Conf.	Read 7	Eng 7	Eng 7
S. Roeming	403	Speech 8	Speech 8.	7	Conf	A	Eng 7	Eng 7	Eng 7	Eng 7
J. Roulston	111	AP Hist 8	Eng 8	8	Conf	B	Eng 8	8 Hist	Eng 8	AP Hist 8
K. Smith	205							Art 8	Art 7	
J. Stallsmith	305				Band (Cadet)	B	Band (Sym)			
B. Stevens	206	AP Sci 7	Conf	7	AP Sci 7	A	AP Sci 7	Sports 7	Sports 8	AP Sci 7
A. Swatsell	302	Conf.	Read 7	7	DV Rdg 7	A	Read 7	Dev Read 8	Speech 7	Speech 7
A. Sword	401	Girls Choir	Adv. Girls	8	Boys Choir					

Bob Cervetto Principal
Kristen Carey Asst. Principal
Tracey Bettis Counselor
Missy Weber Librarian
Jone Pope Nurse
Debbie Christian Secretary
Elizabeth Stephens Secretary
April Harmon SAC Aide

Carol McElfresh
Joyce Anderson
Linda Topping
Deiana Pendleton
Naomi Hensley
Michelle Whitfield
Ranita Oliver
Mary Hodges

SP-ED Counselor
Director-Counseling/Testing/Curriculum
Teacher Aide
Teacher Aide
Inclusion Aide
Diagnostician
Self Contained Aide
Self Contained Teacher

ORIGINAL

FILED
U.S. DISTRICT COURT
NORTHERN DIST. OF TX
FT. WORTH DIVISION

2013 AUG 27 AM 10:32

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FT. WORTH DIVISION

KEVIN MCCULLY, as next friend of
Daughters, C. MCCULLY and
M. MCCULLY,

Plaintiff,

vs.

STEPHENVILLE INDEPENDENT
SCHOOL DISTRICT, STEPHENVILLE,
TEXAS, WILLIAM JOE CARTER and
RACHEL CARTER, in their individual
capacities as well as agent's for Stevenville
I.S.D.,

Defendants.

4-13CV-702-A

CASE NO. _____

ORIGINAL COMPLAINT

Come now Plaintiffs, C. McCully and M. McCully, minors, by and through their next friend, their Father, Kevin McCully, and file for relief under the Education Amendments of 1972, 5901, 20 U.S.C.A. §1681 (Title IX). Plaintiff(s) alleges that Defendant, Stevenville Independent School District, Stehenville, Texas, in violation of federal law, has failed to provide equal athletic facilities to females in the Stehenville Independent School District, Stehenville, Texas,

based on Plaintiffs' gender. Plaintiff(s) further alleges that Defendants, William Joe Carter and Rachel Carter, in their individual capacities, as well as their capacities as agents for Steenville I.S.D., in violation of federal law have retaliated against Plaintiff(s).

I.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §1331 and §1343. The rights, privileges and immunities sought to be redressed are those secured by Title IX and the Constitution of the United States of America, in particular, the Fourteenth Amendment thereto. In the event that the case is converted to a class action, the action can be maintained as a class action under Rule 23, Federal Rules of Civil Procedure. This Court further has supplemental jurisdiction of the subject matter of this claim under 28 U.S.C. §1367, as to all claims arising under the laws and Constitution of the State of Texas, that are related to the claims of which this Court has original jurisdiction and which form part of the same case or controversy. Further, 45 CFR 86.41 – Athletics applies in this case.

2. This claim arises out of acts undertaken and injuries suffered in the Northern District of Texas and venue is proper pursuant to 28 U.S.C. §1391.

II.

PARTIES

3. Kevin McCully is the father of complainants, C. McCully and M. McCully, who are females currently participating in athletics, or who will participate in athletics in the future, at Stephenville Independent School District (SISD), in Stephenville, Texas.

4. Complainants are sisters who are United States citizens. They reside with their parents in Stephenville, Texas. They are twelve and thirteen years of age and are in the seventh and eighth grades at Henderson Junior High (HJH), a campus within the Stephenville Independent School District, a public school owned and operated by Defendant.

5. Defendant, the Stephenville Independent School District, is the governing body of the school district in Stephenville, Texas and surrounding area, by which it is empowered, among other things, to sue and be sued pursuant to State and Federal Law.

6. Defendants, William Joe Carter and Rachel Carter, are employees of Stephenville Independent School District. They are being sued in their capacities as agents of Stephenville ISD, as well as in their individual capacities. The Court has supplemental/ pendent jurisdiction of the subject matter of this claim under 28

U.S.C. Sec. 1367, as to all claims arising under the laws and Constitution of the State of Texas, that are related to the claims of which this Court has original jurisdiction and which form part of the same case or controversy.

III.

STATEMENT OF FACTS

7. Henderson Junior High (HJH) is the only campus for seventh and eighth grade students at SISD. Stephenville High School is the only campus for ninth, tenth, eleventh and twelfth grade students at SISD. In school suspension and a few other students attend other campuses.

8. In early September, 2012, Plaintiff began communicating his concerns involving gender based discrimination at HJH to SISD administrators.

9. On March 8, 2013, Plaintiff filed grievances with SISD concerning gender based discrimination. Plaintiff completed the grievance process in July, 2013.

10. While Defendant has made some changes it has backtracked on two commitments.

11. Girls have fewer opportunities to participate in sports than what boys enjoy at HJH.

12. When girls are given the opportunity to participate in sports the benefits they receive are inferior to what boys enjoy at HJH.

13. Beginning in the 2013-2014 school year approximately 60% of the girls that participate in volleyball will be forced into a non traditional season. No boys have non traditional sports seasons at HJH.

14. Girls have fewer coaches than boys despite historically comparable participation numbers.

15. Girls are subjected to coaches of inferior experience. For example student teachers are used by the Defendant to coach girls in a way that no student teachers are used to coach boys.

16. Girls have inadequate practice facilities. For example, boys can practice in season football and off season basketball simultaneously while girls are not provided facilities that allow them to practice in season volleyball and off season basketball in an equitable manner. Football and basketball are the two most popular boy's sports and volleyball and basketball are the two most popular girl's sports at HJH.

17. Girls have inferior locker rooms, showers, coach's offices, and similar type facilities despite historically comparable participation numbers. The boys and

girls showers, locker rooms and coach's offices are located at the Henderson Junior High campus which was built in its entirety approximately 12 years ago.

18. The Defendant subjects girls to practice times and schedules that are discriminatory.

19. The Defendant does not provide girls with equitable publicity.

20. The Defendant does not recruit girls to participate in sports to the same degree that boys are recruited.

21. Defendant has failed to adequately survey girls so that the interests of the underrepresented gender may be determined.

22. Defendant has placed girls in a discriminatory environment in regards to athletic participation in the Quad County Conference. The Quad County Conference has rules in place for girls' sports that no boys are subjected to. For example, the 'C' team volleyball players are allowed to serve in front of the serving line. There are no similar type rules for boys.

23. Defendant has placed girls in a discriminatory environment in regards to the University Interscholastic League (UIL). UIL is the governing body for junior high sports in public schools in Texas. UIL requires that football, the most popular boys sport, be played in the traditional fall season. However, UIL allows all girls sports to be played in any season. The Defendant has moved a large

number of girls to a nontraditional volleyball season for the 2013 -2014. If UIL had equitable rules in place this would have been prevented.

24. SISD has denied girls equal athletic opportunities because of paternalism, stereotypical assumptions about girls' interests and abilities, and their outdated views of women. For example, the HJH Girls athletic coordinator and coach has stated that 7th grade girl volleyball players '*do not have the strength to overhand serve*' a volleyball. Additionally Ms. Green stated that of the 85 7th grade girls out for volleyball in 2012 '*there's gonna be about 50 of those kids who probably should never have attempted it (overhand serve) because they're just not built that way.*' In fact the majority, if not all of 7th grade girls are capable of serving a volleyball overhand.

25. Equal facilities, coaching, and services between the girl's athletic teams and the boy's athletics teams at HJH are necessary to impart equality, parity, importance, worth, morale, team spirit, dignity, and obvious utility to the fans and players.

26. Defendant allows, supports, and otherwise facilitates a system of providing unequal support to boy's athletics from booster clubs, private and commercial donations, commercial agreements, and other sources that results in unlawful disparities in girls' athletics.

27. Defendant should begin design, acquisition, installation and implementation of equal facilities, coaches, and services for girl's athletic teams and boy's athletic teams at Henderson Junior High as soon as possible in order to achieve gender equity in athletics at Henderson Junior High.

28. Unless Defendant is ordered to provide equal facilities, coaching, and services for the girls' athletic teams and the boys' athletic teams at Henderson Junior High, Plaintiffs will suffer injuries for which they have no adequate legal remedy. Specific performance in the form of equal facilities and coaches for Henderson Junior High's girl's athletic teams is required. Monetary damages are inadequate.

29. The hardship on Plaintiffs, if relief is denied, is disproportionately onerous as opposed to the hardship to Defendant if it is granted.

30. Attached hereto is the Affidavit of Kevin McCully with attached Exhibits A-G which show the prior history of this dispute and the efforts made to settle the issues.

IV.

COUNT I.

**Violation of Title IX, Education Amendments
of 1972.8 901.20 U.S.C. 8 1681.**

31. Plaintiffs reallege the allegations in Paragraphs 1 through 29, as if fully set forth herein.

32. Due to Defendant's failure to provide equal facilities, coaching, and services for the girls' athletic teams and the boys' athletic teams at HJH, Plaintiffs are being denied the benefits of and are being subjected to discrimination on the basis of their gender under Defendant's education program or activity which receives Federal financial assistance.

33. Because of their gender, Plaintiffs are being willfully denied equal athletic opportunities by Defendant.

34. The lack of equal facilities, coaching, and services for girls and boys sports at HJH does not effectively accommodate the interests and abilities of members of both sexes, including the interests and abilities of Plaintiffs.

35. As a result of Defendant's illegal actions, Plaintiffs have incurred costs and attorney fees.

V.

COUNT II.

RETALIATION

36. Plaintiffs reallege the allegations in Paragraphs 1 through 34, as if fully set forth herein.


37. William Joe Carter and Rachel Carter are Stephenville Independent School District employees who have used their position with the SISD to apply pressure on those who do not agree with them politically. Because they had access to a gymnasium without cost, given to them in violation of SISD board policy by SISD administration, they were in a position to control who was on the same basketball team as their daughter. M. McCully was invited to play on that basketball team approximately sometime in June, 2013. M. McCully accepted the invitation to play on the team. However, on or about July 17, 2013, Plaintiff was informed that M. McCully could not be on the team because her parents were involved in a lawsuit against the school. On or about July 23, 2013, Plaintiff was told that Carter's said that 'if the McCully girl is on the team then our daughter will not be' or something substantially similar. William Joe Carter and/or Rachel Carter used the power vested in them by SISD to remove and/or force the coach to remove M. McCully from the basketball team.

38. As a result of the illegal retaliation against Complainant M. McCully by all Defendants, Plaintiffs have incurred costs and attorney fees.

PRAYER

WHEREFORE, Plaintiffs have been damaged by Defendant as a result of each violation alleged above, and request preliminary and permanent injunctive relief and all other relief that is just and equitable, including costs and attorney fees.

Respectfully submitted,


Kevin McCully
PO Box 2571
Stephenville, TX 76401
McCully@Live.com

AFFIDAVIT OF KEVIN MCCULLY

STATE OF TEXAS §
 §
COUNTY OF ERATH §

BEFORE ME, the undersigned authority, on this day personally appeared, Kevin McCully, known to me to be the person, who, hereafter by me being duly sworn on his oath did depose and testify as follows:

1. My name is Kevin McCully. I am over the age of 18 years and competent to make this Affidavit.
2. On or about September 3, 2012 I sent a letter to Henderson Junior High Girls' Athletic Coordinator, D'Anna Green alleging Title IX violations at Henderson Junior High. This letter was copied to several SISD administrators. A copy of that letter is attached to this affidavit as Exhibit 'A'.
3. On or about September 4, 2012, Jeff Norris, an attorney that was graciously assisting in this matter at the time sent a letter to SISD Title IX compliance officer, Dr. Kathy Ray. The letter alleged violations of Title IX of the Education Amendments of 1972, 20 U.S.c. § 1681. A copy of that letter is attached to this affidavit as Exhibit 'B'.
4. On or about September 4, 2012 I met with SISD Henderson Junior High Principal, Renee Goodwin, and Henderson Junior High Girls Athletic Coordinator, D'Anna Green. This meeting was held at Henderson Junior High. The purpose of this meeting was to discuss Title IX violations and gender equity issues in athletics

at Henderson Junior High. I communicated several of my concerns to Ms. Goodwin and Ms. Green. This meeting lasted approximately one hour.

5. In early October, 2012, Mr. Norris received a letter dated October 3, 2012 from Chris Elizalde, attorney for SISD (Exhibit 'C'). The purpose of the letter was to explain the District's position on the issues Mr. Norris and I had previously raised concerning Title IX violations at Henderson Junior High. Ms. Elizalde's letter concluded that SISD was in compliance with the law, but that if I disagreed District parent grievance policy, FNG (Local) was available to me.

6. On or about January 29, 2013 I met with SISD Athletic Director, Joseph Gillespie, and Assistant Athletic Director, Mike Carroll. This meeting was held in Mr. Gillespie's office at Stephenville High School. The purpose of this meeting was to discuss Title IX violations in athletics at Henderson Junior High. I communicated several of my concerns to Mr. Gillespie and Mr. Carroll during the meeting that lasted approximately 40 minutes.

7. During the months of January and/or February, 2013 I informally spoke to SISD Assistant Superintendent and Title IX compliance officer, Dr. Kathy Ray, about Title IX violations and gender equity issues in athletics at Henderson Junior High. There were at least two, but not more than four of these conversations. On more than one occasion I told Dr. Ray that I was hopeful that these issues would be resolved without litigation. These conversations occurred in a conference room at the SISD administration building. I was in the conference room reviewing public records that I had requested to inspect.

8. On or about February 22, 2013 I met with Darrell Floyd, SISD Superintendent, Kathy Ray, SISD Assistant Superintendent and Title IX Compliance officer, Joseph Gillespie, Athletic Director, Mike Carroll, Assistant Athletic Direct, and Rene Goodwin, Henderson Junior High principal. The meeting was held in Dr. Floyd's office. The purpose of this meeting was to discuss Title IX violations and gender equity issues in athletics at Henderson Junior High. One of the issues discussed was my continued concern that girls, and only girls had split practice, that means one practice session in the middle of the school day and then another practice session before or after school, while boys always had a solid, uninterrupted block of practice. The SISD administrators told me that the reason for this inequity was scheduling conflicts. I suggested that if that was indeed the reason that boys could have split practice for an entire year with girls enjoying a solid uninterrupted block of practice for that entire year. I went on to state that the practice schedules could be switched every other year. I received no response to this suggestion during the meeting or after by SISD administrators.

9. On or about February 23, 2013 I sent an email to several SISD administrators. That email is attached to this affidavit as Exhibit 'D'. The purpose of the email was to explain my objection to moving approximately 60% of Henderson Junior High volleyball participants to a non-traditional season while no boys at Henderson Junior High are subjected to a nontraditional season.

10. The SISD Board of Trustees approved moving the majority of Henderson Junior High girls to a nontraditional volleyball season during their March, 2013 board meeting.

11. On or about March 8, 2013 and acting on the advice of the District attorney's letter dated October 3, 2012 (Exhibit 'C') I filed multiple grievances with Ms. Renee Goodwin, Principal of the SISD Henderson Junior High Campus concerning Title IX violations at Henderson Junior High. Ms. Goodwin responded to the grievances on or about April 5, 2013 and referred me to a letter previously sent to me by Dr. Darrell Floyd, SISD Superintendent. I appealed her decisions by filing a level two grievance with Dr. Darrell Floyd, Superintendent of SISD. On May 23, 2013, Dr. Floyd's designee, SISD Title IX compliance officer, Dr. Kathy Ray responded to my grievances. On June 5, 2013 I appealed those decisions to the Stephenville Independent School District Board of Trustees which is known as a level three grievance per board policy. These grievances were heard by the board on July 16, 2013. At that public meeting I made a 20 minute statement to the board (A copy of which is attached as Exhibit 'E') concerning many of the grievances. The board acted during the meeting and upheld the Superintendent's level two decisions in full with the exception of one grievance that involved bullying by a teacher which I believe, although am not certain, that they elected to investigate further.

12. In Exhibit 'C' SISD attorney Chris Elizalde responded to Mr. Norris's question about split practice: *"you asked about practice schedules, claiming that only female athletes have "split practices." It is true that there are split schedules for some students. The reasons for that are not based on gender but on other non-discriminatory factors."* Attached to this affidavit are the Henderson Junior High master class schedules from 2007-2008 to 2012-2013 which show that girls and only girls have split practice at Henderson Junior High. These schedules are Exhibit 'G'.

13. In a September 14, 2012 letter, Exhibit 'F', SISD attorney Chris Elizalde wrote that in regards to split practice *"The principal is planning on changing the master schedule, including practice schedules, next school year so that the division will be between grade levels, i.e., split practices for the younger, 7th grade athletes, and not for the 8th grade athletes.* The 'next' year to which Ms. Elizalde referred has arrived and my daughters' class schedules for the 2013-2014 school year show that once again girls have split practice at Henderson Junior high.

14. Mr. Norris, an attorney assisting us in September, 2012 complained to the District in a September 4, 2012 letter (Exhibit 'B') that girls had inferior uniforms compared to what boys enjoy. The District responded via a letter (Exhibit 'F') from attorney Chris Elizalde. Ms. Elizalde wrote: *'Uniforms have always been provided to student athletes, but jerseys have not been a standard uniform, particularly for the lower level teams. Once the concern was brought to the attention of the administrators, game jerseys were provided for all athletic team members.* In fact equitable uniforms had not been provided to all athletes. The district simply had the 'F' volleyball team girls put on the jerseys of the upper girls volleyball teams for school yearbook pictures that were taken in September, 2012 so that it may appear girls had equal uniforms. The grievances I submitted on March 8, 2013 included one concerning uniforms disparity. Henderson Junior High Principal Renee Goodwin and Superintendent Darrell Floyd responded to the grievances without mentioning a single word about my uniform grievance. I appealed the grievance to level two where the District claimed they would purchase equitable uniforms.

15. Exhibits A-G are true and correct copies of the documents described below:

Exhibit 'A' September 3, 2012 letter from Kevin McCully to Henderson Junior High Girls Athletic Coordinator D'Anna Green.

Exhibit 'B' September 4, 2012 letter from attorney Jeff Norris to SISD Title IX Compliance Officer, Dr. Kathy Ray.

Exhibit 'C' October 3, 2012 letter from Chris Elizalde, attorney for SISD to Jeff Norris, attorney for McCully.

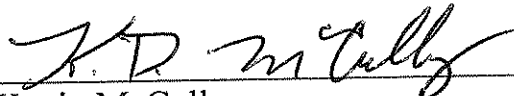
Exhibit 'D' February 23, 2012 email from Kevin McCully to Darrell Floyd, Kathy Ray, Joseph Gillespie, and Mike Carroll. RE: Non Traditional Seasons

Exhibit 'E' Kevin McCully address to the Stephenville Independent School District Board of Trustees on July 16, 2013 during the level three grievance hearing.

Exhibit 'F' September 14, 2012 letter from Chris Elizalde, attorney for SISD to Jeff Norris, attorney for McCully.

Exhibit 'G' Henderson Junior High Master Class schedules for 2007-2008, 2008-2009, 2009-2010, 2010-2011, 2011-2012, 2012-2013.

Further Affiant sayeth naught.

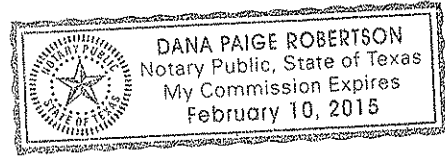

Kevin McCully

SUBSCRIBED AND SWORN TO before me on this the 27th day of August, 2013, to certify which witness my hand and seal of office.



NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

MY COMMISSION EXPIRES: 02-10-15



A
Page 1

September 4, 2012

D'anna Green
Girls Athletic Coordinator
Henderson Junior High
Stephenville ISD
2798 W. Frey
Stephenville, TX 76401

RE: HJH Girls athletics is violating UIL rules and Title IX of the Education Amendments of 1972.

Dear Ms. Green,

Refer to the 2012-2013 UIL Junior High Coaches Manual, Off Season Regulations. Page 21, second paragraph: 'Below are clarifications of permissible activities. (I.) *Students may not be required to participate in one school sport as a prerequisite for participation in another sport.*'

Refer to your 2012-2013 7th and 8th Grade Honeybee Athletics handout given to the 7th grade girls while they were attending 6th grade at Gilbert Intermediate last year. Page 2:

IF YOU "QUIT" ATHLETICS:

If a 7th grade athlete quits during their 7th grade year, and wants to return to athletics as an 8th grader, then they will be required to run cross country and compete in the meets to make-up for the conditioning lost during 7th grade.

PARTICIPATION REQUIREMENTS:

All 7th graders will play basketball, volleyball, and run track during the class period. 8th graders have the choice of off-season basketball during volleyball season and off-season volleyball during basketball season. All 8th graders will run track during the class period.

Refer to the email sent to me from Coach Pam Jones on July 18, 2012 stating '*As a 7th grader in girls athletics they are required to participate in volleyball, basketball, and track.*' You were copied on this email as well.

Refer to your talk during the Meet the Coaches Night held at HJH on August 28, 2012 in which you explained that 7th grade girls must go out for Volleyball, Basketball, and Track in order to go out for any one of these sports.

UIL rules clearly prohibit the off season pre-requisites that you require. This is mainly involving 7th grade girls but your pre-requisite of 8th grade girls running track during the period is likely a violation as well.

A
Page 2

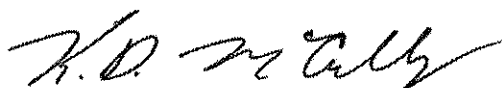
Since this policy is applied to girls only this is a violation of Title IX. My allegation against SISD for Title IX violations provides that my daughters, Carlene McCully and Mallory McCully not be retaliated against for my reporting of this violation. Federal law and SISD Board of Trustee policy requires that SISD and SISD employees not coerce, intimidate, threaten, retaliate against, or interfere with any person who attempts to assert a right protected by Title IX laws or cooperates with investigation and enforcement proceedings under Title IX laws.

I look forward to see what HJH will be doing next week in order to bring that campus into compliance with UIL rules. I would assume all of the girls and their parents will be notified in writing immediately of the options available to them. In the event no written material is sent to all of the parents of HJH girls next week I will begin exploring what additional options are available to me.

The HJH boys head football coach said during the meet the coach's night that the head high school basketball coach was currently coming to HJH and 'working with the basketball boys' during first period. I'm confident the head high school girls basketball coach will work with the girls in the same manner beginning next week, provided that isn't a UIL off season rules violation as well.

SISD's decision to have five boys coaches (not counting the coaches coming from the high school) while maintaining only three girls coaches, the split practice schedule for girls, and other logistical issues are not excuses I am interested in hearing concerning why compliance should be delayed. This rule existed well before SISD and HJH planned and budgeted for the 2012-2013 school year.

Very Sincerely,



Kevin McCully
PO Box 2571
Stephenville, TX 76401
254-434-3501
McCully@Live.com

cc: Dr. Darrell Floyd, Superintendent of Schools, Darrell.Floyd@Sville.US
Dr. Kathy Ray, SISD Title IX Compliance Officer, Kathy.Ray@Sville.US
Joseph Gillespie, SISD Athletic Director, Joseph.Gillespie@Sville.US
Renee Goodwin, HJH Principal, Renee.Goodwin@Sville.US
Pam Jones, HJH Girls Coach, Pamela.Jones@Sville.US
Darryl Beasley, UIL Assistant Athletic Director, dbeasley@uiltexas.org

JEFFREY B. NORRIS & ASSOC., P.C.

Jeffrey B. Norris*

September 4, 2012

B
Page 1

Ms. Kathy Ray
Assistant Superintendent
Stephenville Independent School District
2655 West Overhill
Stephenville, TX 76401

Dear Ms. Ray:

I. INTRODUCTION

This letter is directed to you in your capacity as the official designated to coordinate Stephenville Independent School District's ("District's") efforts to comply with Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, *et seq.* I represent Kevin McCully and Carlene McCully in connection with their efforts to obtain compliance with Title IX and its interpreting regulations as well as the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution as enforced through 42 U.S.C. § 1983.

As set forth below, it is our contention that the District has engaged, and continues to engage, in practices that violate federal law by imposing invidious discrimination against female athletes, including Carlene McCully and similarly situated students. While we believe the District's discriminatory practices are prevalent in the District's other campuses, the scope of this letter is limited to activities at Henderson Junior High School ("Henderson"), where Ms. McCully matriculates.

II. THE DISTRICT IS ENGAGING IN UNLAWFUL DISCRIMINATION

A. Unequal Treatment and Benefits in Athletic Programs

Title IX provides in relevant part: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance" 20 U.S.C. § 1681(a). Expounding on this principle, Title IX's implementing regulations provide that: "No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, be treated differently from another person or otherwise be discriminated against in any interscholastic, intercollegiate, club or intermural athletics

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offered by a recipient, and the recipient shall provide any such athletics separately on such basis.” 34 C.F.R. § 106.41(a).

These provisions require that under Title IX, schools must provide “equal treatment and benefits” to members of both sexes in their athletic programs. 44 Federal Register 71,413 (1979), the Department of Education, Office of Civil Rights’ 1979 Policy Interpretation. Equal treatment and benefits is assessed based on an overall comparison of male and female athletic programs, including an analysis of the following factors: “The provision of equipment and supplies; Scheduling of games and practice time; Travel and per-diem allowance; Opportunity to receive coaching and academic tutoring; Assignment and compensation of coaches and tutors; Provision of locker rooms, practice and competitive facilities; Provision of medical and training services; . . . and Publicity.”

In complete disregard of these legal obligations, the District has failed to provide its female athletes with equal treatment and benefits. The District’s discriminatory conduct at Henderson includes the following:

Practice Schedules

Female athletes are subjected to “split practices.” Female athletes that are on the A, B and C volleyball and basketball teams, for example, are required to practice one hour in the morning and another separate hour in the afternoon or evening. Female athletes are required to dress and attend class between these practice sessions. Sometimes, the separate evening sessions do not end until after 6:00 p.m. On the other hand, practice sessions for male athletes are scheduled to avoid this inconvenience. Seventh grade boys practice from approximately 7:00 a.m. until the end of first period. Eight grade boys practice from the beginning of the final class period until approximately 4:30 p.m. In addition, the timing of female athletes’ practice sessions vary and are explicitly subject to change, while male athletes’ schedules are generally strictly adhered to.

Off-season and Summer Practice and Training Opportunities

Female athletes are denied the opportunity to practice their sports during the off-season and during summer. During the off-season, moreover, female athletes are relegated to non-physical activities or running bleachers. On the other hand, male athletes are given the opportunity to practice their sports, with coaching supervisor and assistance, during the summer and off-season. For example, seventh grade boys who go out only for basketball work out with the basketball coach during football season.

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Availability of Weight Room

Female athletes have no access to a weight room during the summer. Male athletes, on the other hand, are provided supervised access to a weight room for 13 hours each day, five days a week.

Availability of Coaching

Henderson employs at least seven coaches devoted to male sports teams, while it employs only three coaches for female teams. Henderson assigns five coaches to football alone; no female sport receives comparable coaching resources.

Special Participation Requirements

Female athletes who wish to play a sport are subjected to year-long commitments that do not apply to male athletes. Seventh grade female athletes cannot select a single sport in which to compete, but must enroll to participate in all female sports. For example, a seventh-grader cannot choose to play only volleyball; rather, she must commit to playing volleyball, basketball and track. No comparable requirement is imposed on seventh grade male athletes. For example, a male student who plays on the football team is not required to play basketball, baseball and/or track.

Locker Room Facilities

Even though Henderson was built more than 30 years after the enactment of Title IX, the female locker room facilities are vastly inferior to the male locker room facilities. For example, the female locker room provides female athletes with less than half of the space assigned to their male counterparts.

Equipment and Uniforms

Female athletes receive inferior equipment and uniforms in comparison with male athletes. For example, a large proportion of female volleyball and basketball players wear T-shirts, while male football and basketball players at every level receive jerseys substantially identical to those worn by players in the highest echelons.

Publicity

In a variety of ways, female athletes receive substantially less publicity and support than male athletes. The majority of pep rallies are always scheduled on the days of male football games. The pep rallies always emphasize football, while rarely, if ever, paying

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homage to female athletic teams. Moreover, cheerleaders and pep bands perform longer and with more regularity at male sporting events.

Funding

Female athletes do not receive the financial support provided to male athletes, either in the allocation of public funds and in the allocation of “booster” support.

B. Unequal Participation Opportunities in Athletic Programs

Under Title IX, schools must provide both sexes “equivalent participation opportunities.” Compliance is evaluated on the basis of both “the number of opportunities and whether the selection of sports and the level of competition effectively accommodate the interests and abilities of members of both sexes.” 44 Federal Register 71,413, the Policy Interpretation.

Compliance in the area of equivalent participation opportunities is determined by a three-part test:

1. whether . . . participation opportunities for male and female students are provided in numbers substantially proportionate to their respective enrollments;
2. where the members of one sex have been and are underrepresented . . . , whether the institution can show a history and continuing practice of program expansion which is demonstrably responsive to the developing interests and abilities of the members of that sex; or
3. where the members of one sex are under-represented among . . . athletes and the institution cannot show a continuing practice of expansion such as that cited above, whether it can be demonstrated that the interests and abilities of the members of that sex have been fully and effectively accommodated. See 44 Fed. Reg. 71,418

Even though the Policy Interpretation refers to “intercollegiate” sports, it is applicable to all recipients of federal education funds, including public schools, and is thus applicable to “interscholastic” sports. 34 C.F.R. § 106.11.

The District has failed to comply with each of the three parts of the test for determining the equal opportunity to participate in athletics under Title IX. Data reported by the District to the Office of Civil Rights of the Department of Education (“OCR”) demonstrates a gross disparity between the overall ratio of enrolled male and female students and the ratio of male to female athletes. This data establishes that 50.7 percent of the

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students enrolled at District schools are female. On the other hand, only 29.3 percent of the students participating in school-sponsored athletics are female.

The evidence indicates, moreover, even these statistics over-estimate the District's accommodation of the interests and abilities of female athletes. For example, OCR data credits the District separately for each sport in which she participates. Accordingly, Henderson's policy of requiring female students to enroll in all sports—even if they are only interested in participating in one—artificially inflates the District's female participation rate. As this requirement does not appear to have any other purpose, we assume that it has been adopted specifically for the purpose of inflating the female participation rate.

Moreover, the District also artificially inflates female participations rates by placing nearly half of its female volleyball and basketball players on so-called “fundamental” squads. While the District reports these students to the OCR as participating female athletes, the players on these fundamental squads play only two games each year against interscholastic competition. Male athletes have no similar athletic backwater.

Further, the District cannot show “a history and continuing practice of program expansion which is demonstrably responsive to the developing interests and abilities” of the District's female students. This is demonstrated by the District's own admissions. On August 1, 2012, I provided the District with a public records request to which I received a response on August 16, 2012.

The District's public records response illustrates the District's indifference to the disparity between male and female participation rates in athletics. The District admitted that there were: (1) no documents relating to “any attempts by the SISD to encourage female students to participate in interscholastic or intramural athletics”; (2) no documents relating to “any consideration or investigation by the SISD that it sponsor additional interscholastic or intramural sports for female students”; and (3) no documents relating to “any efforts by SISD to assess the athletic interests and/or abilities of male and/or female students, including but not limited to, any surveys taken to assess such interests and/or abilities.”

If the District's disregard for the law were reflected only in its words, that would be in itself regrettable. Unfortunately, the District's actions confirm it is not committed to providing equal opportunity under Title IX. We believe that there are dozens of young woman enrolled in extracurricular sports such as softball and soccer who would look forward to playing these sports on behalf of Henderson. Yet the District, by its own admissions, has failed to even consider adding either or both of these sports to increase female participation in interscholastic athletics. Accordingly, the District has intentionally ignored obvious opportunities to accommodate the interests and abilities of additional female students at Henderson.

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C. Equal Protection Under the Fourteenth Amendment

By virtue of its (1) failure to provide female athletes with the same treatment and benefits as male athletes and (2) failure to provide equal athletic opportunities for female students, the District has discriminated against female students, including Carlene McCully, on the basis of sex and has intentionally deprived them of their rights to equal protection secured by the Fourteenth Amendment to the Constitution. Moreover, all individual District employees who knowingly participate in the District's discriminatory conduct are also culpable for violating the equal protection rights of Henderson female students. See 42 U.S.C. § 1983.

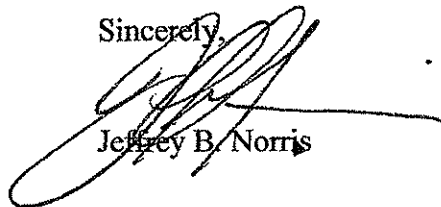
III. THE DISTRICT MUST REMEDY ITS UNLAWFUL CONDUCT

The District's unlawful conduct, as delineated above, has caused, and continues to cause, irreparable harm to Carlene McCully and similarly situated female athletes at Henderson. Mr. McCully is prepared to bring a civil rights class action in the United States District Court for the Northern District of Texas to obtain appropriate remedies, including declaratory and injunctive relief, against the District and culpable employees, on behalf of his daughter and other Henderson students.

Although we are prepared to litigate these issues, we request that the District voluntarily consent to take remedial action to eliminate its current discriminatory conduct. Specifically, we ask that the District enter into a Consent Decree, pursuant to which it agrees to eliminate unequal treatment of female athletes and take steps to provide female athletes with equal participation opportunities.

If the District is prepared to discuss a negotiated resolution of this matter, I invite you, or your counsel, to telephone me at (817) 851-3865 or email me at norrisj55@sbcglobal.net. If I have not heard from the District by September 20, 2012, I will assume that the District has determined to respond to these claims in court.

Sincerely,



Jeffrey B. Norris

cc: Mr. Kevin McCully
Kristen Galles, Esq.

Ms. Chris G. Elizalde
Attorney at Law

WALSH, ANDERSON,
GALLEGOS, GREEN
and TREVIÑO, P.C.

ATTORNEYS AT LAW

celizalde@wabsa.com
512/454-6864, Ext. 611

October 3, 2012

Via CMRRR #7196 9008 9111 6017 8273

Mr. Jeffrey B. Norris
JEFFREY B. NORRIS & ASSOC., P.C.
6041 Turtle Creek Court
North Richland Hills, Texas 76180

Re: McCully Title IX Complaint and Stephenville Independent School District

Dear Mr. Norris:

This letter is to follow up on my preliminary response dated September 14 and our subsequent telephone conversation. We discussed the issues you have raised on behalf of your client regarding Stephenville ISD's compliance with Title IX.

As we discussed, the administrators at Stephenville ISD have been investigating your client's complaints regarding the athletics-related concerns. I am enclosing some documents that were previously supposed to have been provided to you. Additionally, I am responding to your specific demands. In our telephone conversation last month, I told you that Mr. McCully had submitted multiple oral and written demands and complaints to the District at approximately the same time that you sent your September 4 demand letter. I advised that our client would be submitting responses only to your correspondence. You agreed that was appropriate.

Female Participation in Sports & Schedules

One of the demands you have made is for the District to establish a higher level of female participation in athletics at the junior high school level. You suggested that girls' soccer or softball be offered in order to achieve that, citing the fact that soccer and baseball are offered for boys. At the junior high school level, the District has no soccer or softball program for girls and no baseball or soccer for boys. (At the high school level, both soccer and softball are available to girls; soccer and baseball are available to boys.)

At the junior high school level, established sports at this time are football, basketball, track, and cross country for boys. Established sports for girls include volleyball, basketball, track, and cross country. Powerlifting is also offered to both boys and girls, and girls who wish to participate in football can do so. Stephenville ISD offers dance at the junior high school level, and although not an activity that traditionally has been viewed as "athletics," it offers physical

Mr. Jeffrey B. Norris
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activity and competition. At this point, approximately 54% of the female students at Henderson Junior High School participate in athletic sports, and 39% participate in dance.

You asked about practice schedules, claiming that only female athletes have “split practices.” It is true that there are split schedules for some students. The reasons for that are not based on gender but on other non-discriminatory factors. Master schedules affect not only the 550+ students at the junior high school campus, but also the schedules of other campuses, since some of the teacher/coaches serve at both the high school and at the junior high school campuses. The administrators of the affected campuses are exploring possible options for changes to the master schedule, including possible practice schedule changes for the 2013-2014 school year. As we have discussed, practice schedules include not only before and after school practices, but also class times for which students attain physical education credit.

Regarding “fundamental” teams, your assumption that the District has such teams to inflate the figures of female student participation is completely baseless. The District has encouraged participation of any student, male or female, who wishes to participate in athletics, and to that end Stephenville ISD allows any junior high school student to play a sport regardless of ability. Unlike many other school districts, at this level the District does not “cut” student athletes based on their abilities. As a result, Stephenville ISD has not only A and B teams, but in some cases also C and D teams, which means that more students of both genders can participate in athletics. However, one of the effects is that there are limited opportunities for students to compete with other schools because other schools most often have only A and B teams. The District is not interested at this time in limiting participation of students at either the high school or junior high school level who wish to play sports. Where there is not enough competition from other schools in the area, the staff arranges other playing opportunities for the students.

Fundamental teams in volleyball and fundamental teams in football have very different needs. The differences in their practice schedules and location are based on non-discriminatory factors, including the size and type of facilities needed (i.e., outdoor fields for football, indoor gymnasiums for volleyball). In any case, high school coaches for girls’ athletic teams work with the junior high school girls on their sports, even if not all athletes can be accommodated at the same time in a gymnasium.

Additionally, the schedules do change periodically for various teams, both boys and girls, so that all teams can share in the chance to have an early practice as opposed to having the same group of students with late practice on a consistent basis. The plan at this time is to make sure that the practice schedules for both boys and girls are communicated to students and parents earlier so there is improved notice of practice schedule changes.

Off-season Training and Facilities

During the spring and summer, the District has an arrangement with the City of Stephenville Parks and Recreation Department to employ a person to provide weight room access. In the spring, the weight room is open after school until 9 p.m., Monday through Thursday. During the summer, it is open Monday through Thursday from 8 a.m. to 9 p.m. This

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is the weight room facility at Stephenville High School (SHS). It is available to the entire community, including all student athletes of both genders, at no charge. Also during the summer, Stephenville ISD coaches are available on a rotating basis during the morning hours for a supervised strength and conditioning regimen in compliance with University Interscholastic League (UIL) rules. All athletes, male and female, can participate. If a student wishes to use the weight room after that time, a workout regimen in compliance with UIL rules is provided to that student. Henderson Junior High weight room is not open or available to anyone during the summer. One change that will be made toward the end of the current school year is to ensure all students participating in athletics are informed of the summer schedule at the SHS weight room.

Currently, coaches from the high school, including head basketball and head volleyball coaches, work with all junior high school female students during athletics class periods for whatever sport is in season. The practice of having the high school coaches work with the students at the junior high school in various sports in the off-season will continue. The availability to both boys and girls at the junior high level of all level of coaches allows exposure to multiple techniques and learning opportunities for these student athletes.

Coaches, Equipment, Locker Rooms

Coaching staff numbers are based on the number of team members in a particular sport, number of students/athletes who participate in a sport, and other valid, non-discriminatory factors. Staffing needs are frequently reviewed, and the athletic staff is one of the areas that will be reviewed in the spring of 2013 in order to determine whether additional staff is needed in 2013-2014.

Uniforms have always been provided to student athletes, but jerseys have not been a standard uniform, particularly for the lower level teams. Once the concern was brought to the attention of the administrators, game jerseys were provided for all athletic team members.

Lockers for football athletes differ from those of most female athletes for reasons that have nothing to do with gender. One must take into account the size and amount of equipment required for the various sports. The Office of Civil Rights (OCR) has recognized that taking those factors into account is permissible under Title IX.

Multiple Sports Requirement

As I stated to you previously, there were legitimate non-discriminatory reasons for the requirement for 7th grade girls to participate in multiple sports, including encouraging them to try all available sports in order to broaden their experiences and help them develop interest in various sports. Now that the concerns under UIL rules have been brought to the administration's attention, the practice is discontinued.

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Pep Rallies and Other Publicity

At Henderson Junior High School, pep rallies have honored both male and female athletes. Selection of the day of the week for the pep rallies has not been gender-based. The day of the week for pep rallies beginning this school year varies.

Certainly arrangements for cheerleaders at female sports events can be studied. It is important to note that in recent years, no males have chosen to try out or participate in cheerleading activities. The result is that all cheerleaders at the junior high school campus are females, and virtually all are also student athletes. It is not feasible for the female athletes to concurrently serve as cheerleaders at that same sporting event.

Follow-up Information

Since your August 2012 Public Information Act (PIA) request under Texas Government Code Chapter 552, (1993 re-codification of Article 6252-17) the staff at Stephenville ISD realized that some of the information you requested that should have been provided was inadvertently left out of the response. In accordance with the PIA, that omission is being rectified. To that end, I enclose a copy of the data the District submitted in 2011 to the OCR in response to its data collection request at the time. Information submitted was based on the Public Education Information Management System (PEIMS), the data collection system used by the Texas Education Agency.

Conclusion

We believe these responses show the District's good faith efforts not only to comply with Title IX but also to resolve your client's concerns informally. Stephenville ISD is in compliance with the law. If your client disagrees, the District's parent grievance Policy, FNG (Local), is available. You have indicated an intent to file a lawsuit; if that's the case, we will vigorously defend our client.

Please contact me if you have questions or wish to discuss these issues further.

Sincerely,



Ms. Chris G. Elizalde

CGE/cdg
Enclosures

cc: Via e-mail: Darrell.floyd@sவில்.us
Dr. Darrell Floyd
Superintendent of Schools
STEPHENVILLE INDEPENDENT SCHOOL DISTRICT
2655 West Overhill Drive
Stephenville, Texas 76401-3003

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JEFFREY B. NORRIS & ASSOC., P.C.
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Via First Class Mail

Dr. Ann Calahan
President, Board of Trustees
STEPHENVILLE INDEPENDENT SCHOOL DISTRICT
2655 West Overhill Drive
Stephenville, Texas 76401-3003

Via E-mail: kathy.ray@sவில்.us

Dr. Kathy Ray
Assistant Superintendent
STEPHENVILLE INDEPENDENT SCHOOL DISTRICT
2655 West Overhill Drive
Stephenville, Texas 76401-3003

Via E-mail: renee.goodwin@sவில்.us

Ms. Renee Goodwin
Principal
HENDERSON JUNIOR HIGH SCHOOL
2798 W. Frey
Stephenville, Texas 76401

Subject: Non Traditional Seasons

From: 77 <mccully@live.com>

Date: 2/23/2013 7:18 AM

To: KATHY RAY <KATHY.RAY@s ville.us>, darrell.floyd@s ville.us, RENEE GOODWIN <RENEE.GOODWIN@s ville.us>, JOSEPH W GILLESPIE <JOSEPH.W.GILLESPIE@s ville.us>, michael.carroll@s ville.us

BCC: Marty Cirkel <marty@cirkelaw.com>, Elizabeth Angelone <EAngelone@cirkelaw.com>, Herb Dempsey <dempsey@ix.netcom.com>, Mark <mrossmiller@gmail.com>, Angie McCully <angmccully@live.com>

Good Morning,

I appreciate you all taken the time to meet and discuss the issues of girls athletics at Henderson Junior High yesterday. I think all of us are working hard on these issues. The possibility of adding an additional girls coach and an additional team of girls basketball with essentially a full slate of games is very encouraging.

However, I object to the proposal to move some of the Henderson Junior Volleyball participants to a spring league. I could site a variety of reason to why I personally object to non traditional seasons. However, the cases referenced below may provide better guidance.

Communities for Equity v. Michigan High School Athletic Association

Communities for Equity v. Michigan High School Athletic Ass'n (W.D. Mich.)

Summary Amicus Brief Court Opinion* Response to Defendant's Compliance Plan

Pedersen and United States v. South Dakota High School Activities Ass'n

Pedersen and United States v. South Dakota High School Activities Ass'n (S.D.)

Summary Complaint in Intervention Motion to Intervene Intervention Brief Consent Order Opposition Motion to Dismiss Order Denying Preliminary Injunction

Additionally, I have previously sent two letters to the Dr. Charles Breithaup voicing my concern that UIL mandates when junior high football is played but allows other sports to be played in non-traditional seasons. The point here is I have objected to this practice previously.

To move girls to a non traditional season is a step backwards. The girls need equitable opportunity in the traditional seasons.

Thank you,
Kevin McCully

Address to Stephenville Independent School District Board of Trustees

Stephenville, TX

July 16, 2013

Level Three hearing for multiple grievances brought against SISD for gender based discrimination, violations of SISD Board Policy, violations of Title IX, and violation of the Equal Protection Clause of the U.S. Constitution

At Henderson Junior High why does one student have a nice shiny athletic uniform that matches all his teammates while a student from another class gets a T-shirt and gym shorts for a uniform?

Why is one student provided with traditional sports seasons for all of his sports but students of the other class are forced into non traditional sports seasons?

Why, despite historically comparable participation numbers, does one class of students have six or eight coaches while the other class of students has a mere three coaches? Or perhaps 4 in the coming year.

Why does one student have a solid uninterrupted block of athletic practice every day while the student from the other class has her practice in two separate periods of the day?

Why does one student practice at the same time every day while the student from the other class has her practice start times vary every day and change perhaps daily?

Why is one student given the opportunity to choose which sports he participates in while the student from the other class must participate in all sports in order to participate in any sport?

Why is one student provided with practice outside of school hours while students from the other class and on the same level of team never allowed to practice outside of school hours?

Why? Because the later class of students are girls at Henderson Junior High.

They are girls. That's it. They are girls and therefore they are provided a small fraction of what boys enjoy at Henderson Junior High.

And despite all of the excuses and baseless reasoning provided to you by your Superintendent this is gender based discrimination.

SISD has made the choice to accept funds from the Federal government. Because of this, adherence to Federal law is not optional.

SISD is not exempt from civil rights laws. The popularity of one sport in a community does not exempt the school district from the U.S. Constitution.

I cannot comprehend how your Superintendent can sign emails with the phrase *'every student, every day'* as if he cares about every student and then open the junior high yearbook to see pictures of girls that went out for sports all year and never were given the opportunity to participate in a single interscholastic contest all year. Not one. But the other class of students have a full slate of contests, enough to make sure every student plays. Even more maddening is to review the letters from the District's attorney's stating that SISD is not discriminating against girls and that they will *'vigorously defend'* SISD against anyone making such claims.

Your Superintendent's latest act of *'every student, every day'* is to place 60% of the girls participating in volleyball in a non traditional season.

Why?

Because he doesn't want to hire an equitable number of coaches, provide equitable practice facilities or transport students to away contests in an equitable manner. In short, he doesn't want to spend money on girls.

Your superintendent will tell you that this non traditional volleyball season is necessary for girls because the school supposedly cannot find any volleyball contests for girls. That is false.

Let's look at some facts. Just one example is the 2012 7th grade football and volleyball teams. SISD transported the bottom 25% of the football players to Granbury once and twice to Graham, which is 85 miles away. These boys were provided with a total of 8 interscholastic contests.

Now compare that to the bottom 25% of the 7th grade volleyball players. How many interscholastic contests were they provided? None. Not a single one.

So that was the bottom fourth, let's compare the bottom half of the 2012 7th grade football and volleyball teams.

The bottom 55% of the girl's volleyball team was provided a mere two contests and one tournament with six players on the court at once. SISD transported the 12 girls out of the 46 that make up the 'F' team a whopping 33 miles to Gorman, the other two contests were at home.

But the bottom 50% of the 7th grade boy's football team had a total of 16 interscholastic contests with 11 players on the field at once. These boys were transported to Granbury, Mineral Wells, Fort Worth, and Graham.

Stephenville ISD is not providing equitable opportunities for girls to compete nor are they even trying to find the girls equitable contests. Their answer is to relegate them to a non traditional season to which no boys are subjected.

Here is a question for you. Would the Stephenville ISD football coaching staff endorse a schedule that had 60% of the junior high boys playing Three Way, DeLeon, Bluff Dale, Morgan Mill, and Hico? Nothing against these schools but they are not our

peers in regards to classification. So why is it acceptable for 60% of our junior high girls to compete against these schools and never against 3A and 4A schools?

Here is a simple map that includes a radius around Stephenville of 80 miles. The approximate distance that Henderson Junior High transported all four of the 7th grade boy's football teams in 2012. SISD wants you and me to believe that there are no schools within this area that will play our girls in volleyball. Henderson Junior High has contacted every junior high that this circle covers. Every school has said no to playing us in volleyball and therefore Dr. Floyd's answer is a non-traditional season?

Your Superintendent will tell you all about how Henderson Junior High doesn't cut girls from sports. Sure, SISD doesn't cut the girls. They are 'out' for the sport. But because they are girls and happen to be on the bottom fourth or half of their teams they have no uniforms, no true assigned coaches, no interscholastic contests, never practice outside of school hours and are subjected to a long list of additional inequities.

Girls have historical participation numbers that are comparable to boys. The girls should have had the same number of coaches at least since 2007 when SISD reported to the office of civil rights that there were 500 female participants and 450 male participants in sports at Henderson Junior High.

I have spent the last 10 months communicating these issues to your administration. I have submitted multiple public records requests. The most critical public records are never produced by the district, are delayed in being produced, or supposedly don't exist.

In regards to public records requests or the handling of these grievances the administration takes the full allowable time, every time. There is no urgency. They delay these girls in every way possible.

My daughter and her classmates will never get another opportunity to participate in 7th grade athletics. Because my daughter was on the 'F' team in one sport she was

never given the opportunity to practice outside of school hours for that sport and she had just two contests.

She endured this simply because she is a girl at Henderson Junior High.

Just because your Henderson Junior High principal is a woman does not mean she believes girls should be treated equally.

In the 2012 Henderson Junior High yearbook that I submitted to you last week there are pictures of the boys football teams and the girls "F" volleyball teams. Let's compare those uniforms.

Notice the differences in the quality of the uniforms?

Girls get T-Shirts and workout shorts.

Boys get sleek, shiny uniforms that say 'The Ville'!

It appears pretty obvious to me.

But when I filed a grievance with Ms. Goodwin about the disparity in uniforms at Henderson Junior High she didn't even answer it. Not a word. Nor did Dr. Floyd in his response to which Ms. Goodwin referred.

This is clear evidence of how your Henderson Junior High principal and your superintendent feels about civil rights, board policy, and federal law. You have a record of her response or the lack thereof.

A few weeks ago it was learned that Paula Deen, whom I had never heard of before then had made some racially charged statements. Ms. Deen suffered substantial financial loss because of her statements. The Stephenville Empire Tribune ran an editorial on June 30th about Ms. Deen and her statements. The Empire Tribune felt that Deen received just what she deserved and went on to say that

'Unless you live in a world where rose-colored glasses cloud your vision, you know that racism is alive and well. Outlawing bigotry, as we already know cannot change the hearts and minds of those still suffering from years of being immersed in a culture of racism.'

Inserting the word 'sexism' for 'racism' in this editorial is an interesting exercise.

At the end of the latest school year my daughter and her teammates were able to enjoy snow cones provided to them by the coaches. This is an annual tradition that the coaches are nice enough to do for the girls. Every girl was able to order from a wide variety of snow cones. The girls were getting ready to leave for this trip when a boy that attends Henderson Junior High told the girls that the girls have a tradition of eating snow cones and the boys have a tradition of winning state titles.

How impressive.

Has this boy been immersed in a culture similar to the one that the Empire-Tribune refers? Perhaps, but not just at home. This boy spends 50-60 hours per week in Henderson Junior High. He is taught sexism not just at home but also at our publicly funded school.

Do you think this boy doesn't notice how girls have to practice volleyball every Tuesday before school so girls will be available to watch his football games?

Has this boy noticed that his practice schedule is never amended so that boys can attend girl's contests?

Yes. He has noticed these things and so have the girls. The kids are all learning the lesson being taught to them by SISD.

My family and I live in this district, we pay taxes here and my daughter wants to participate in sports. But just because she is a girl she has about half the opportunity she would than if she were a boy.

Junior high schools existed in this country thirty years ago that provided boys and girls the same number of athletic contests, the same number of coaches, the same types of

uniforms, the same level of bussing, and so on. I know this because I attended such a junior high as did my wife. And yes, football is big there as well.

I would encourage you to not be duped into thinking that I am the lone parent that feels this way. There are lots of parents behind me that feel the same way but because of retaliation they say nothing. Retaliation exists, it is carried out at Henderson Junior High and it works.

This school district is facing certain litigation absent a plan that provides a clear and precise path to gender equity in athletics at Henderson Junior High. Any issues that can be solved without costing the district any money should be done prior to school starting which includes ending split practice for girls. If scheduling is the issue like your administration claims and all of this not gender based discrimination girls should have block practice this year and boys can have split practice. Additionally, forcing girls into a non traditional season while no boys have such a season should not happen, the school can find games in the fall season for those girls now, if they choose.

You would be wise to consider the motives and views of those providing you advice. I would encourage you to read a blog post by Jim Walsh, one of your attorneys titled 'Gone Fishin'. Read the blog and then ask yourself how Mr. Walsh really feels about women and girls. I'm sure he genuinely believes these girls already have more than they deserve. He will certainly be very passionate in his defense of the district should you chose that course.

I am certain that Darrell Floyd and Rene Goodwin really believe that these girls already have more than they deserve.

Perhaps you even agree with them.

But what you believe in regards to gender equity does not matter.

What matters is whether or not you think the District can prevail as a defendant in a Title IX lawsuit.

Don't be duped into thinking that just because every other district you know of is doing the same thing that you will prevail in court.

Demand that your attorneys provide you with case law on every one of these issues that proves they can successfully defend you on every issue.

Make sure to ask your attorneys about US code 1983 as well.

A lawsuit can certainly be avoided here. That is my hope. I want relief now so that my daughter and her classmates can enjoy what they are legally entitled to. But if you force me into a lawsuit, I will not fade away. But the only real winners will be Jim Walsh and the girls that attend Henderson Junior High years from now.

Do you really want to be known as a member of the school board that stood against equal rights for girls and cost the taxpayers a bunch of money in the process?

Federal District Judge Richard Enslen opened his ruling in Communities For Equity v. Michigan High School Athletic Association, a federal case that you all have a copy of and one that you would do well to read, with a quote from Denise McCluggage, a then 18 year old race car driver –

'Change is the only constant. Hanging on is the only sin.'

Ms. Chris G. Elizalde
Attorney at Law

WALSH, ANDERSON,
GALLEGOS, GREEN
and TREVIÑO, P.C.

celizalde@wabsa.com
512/454-6864, Ext. 611

ATTORNEYS AT LAW

September 14, 2012

***Via CMRRR # 7196 9008 9111 0805 6984
and Via Email: norrisj55@sbcglobal.net***

Mr. Jeffrey B. Norris
JEFFREY B. NORRIS & ASSOC., P.C.
6041 Turtle Creek Court
North Richland Hills, Texas 76180

Re: Stephenville ISD

Dear Mr. Norris:

This letter is to follow up on my previous attempts to reach you by phone and e-mail. I understand that you called earlier today while I was on another telephone call. I returned your call but had to leave a message for you. As you know, my law firm represents the Stephenville Independent School District, and I am working with our client to address the concerns brought by your clients, Kevin McCully and Carlene McCully.

Mr. McCully sent to the District on Monday, September 3, a list of concerns regarding the athletic program, specifically referencing Title IX. In his e-mail, he requested a "detailed written plan" for resolving the issues he identified by September 15. In response to his e-mail, a member of the school staff contacted him the next day to schedule a conference; he met on September 4 with the Henderson Junior High School principal and Girls' Athletic Coordinator. On September 7, he communicated with the principal by phone and added two other items to his list of complaints. Since the conference, administrators at Stephenville ISD have not only begun looking into the allegations but also have tried to determine how to resolve the issues and concerns raised by your client. When they received your letter on September 10, (dated September 4) I advised that it would improper for staff to respond to your client and for me to separately respond to you. As I told you in my e-mail this week, please let your client know that the District will not be providing a response directly to him. Instead, I am responding on behalf of Stephenville ISD.

You raised some specific issues, and I will try to provide you with a few preliminary responses. However, the administrators, including the Title IX coordinator, are still investigating the allegations and looking into how best to make appropriate changes without disruption to the students.

Mr. Jeffrey B. Norris
JEFFREY B. NORRIS & ASSOC., P.C.
September 14, 2012
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One of the issues you raised was about practice schedules. It is true that there are split schedules for some students. Although the reasons for that are not based on gender but on other non-discriminatory factors, the perception can certainly be understood. The principal is planning on changing the master schedule, including practice schedules, next school year so that the division will be between grade levels, i.e., split practices for the younger, 7th grade athletes, and not for the 8th grade athletes. If done this year, such a change would require changing the schedules of a large majority of the 550+ students at the campus, along with the schedules of others at the high school and some of the teachers, which would cause great disruption. In any event, transitioning next school year means that your client's child would have no split practice when she is in the 8th grade.

Also related to the scheduling is the number of coaches for various sports. Coaching staff numbers are based on the number of team members in a particular sport, number of students/athletes who participate in a sport, and other valid, non-discriminatory factors. At the junior high school level, students who wish to participate in any sport are not cut based on ability. All are encouraged to participate. In other school districts, that is not the case, which also limits the number of teams available in the area for competitive play in certain sports. However, this is another issue that will be reviewed to make sure there are appropriate staffing levels for the various teams and sports for both boys and girls.

About the requirements for participation in multiple sports: There were legitimate non-discriminatory reasons for the requirement for 7th graders to participate in multiple sports. However, now that the UIL concerns have been brought to the administration's attention, the practice is discontinued.

These are a few examples of the types of issues that the administration is making efforts to address. School district policies are available on-line from a link on the Stephenville ISD web site at www.sville.us. As required by policy, the District Title IX Coordinator is working with other administrators to try to resolve your clients' concerns. Should the efforts that you and I make do not succeed, the District's parent grievance policy, FNG (Local), may apply.

I would like to discuss with you in more detail the types of concerns that can be resolved by agreement between our respective clients. I am hopeful we can do that without delay. Failing that, however, certainly we are prepared to vigorously defend our client in court if necessary.

Please contact me so that we can discuss these issues further. I look forward to hearing from you.

Sincerely,



Ms. Chris G. Elizalde

CGE/cdg

Mr. Jeffrey B. Norris
JEFFREY B. NORRIS & ASSOC., P.C.
September 14, 2012
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cc: ***Via Email: Darrell.floyd@sவில்.us***
Dr. Darrell Floyd
Superintendent of Schools
STEPHENVILLE INDEPENDENT SCHOOL DISTRICT
2655 West Overhill Drive
Stephenville, Texas 76401-3003

Via First Class Mail
Dr. Ann Calahan
President, Board of Trustees
STEPHENVILLE INDEPENDENT SCHOOL DISTRICT
2655 West Overhill Drive
Stephenville, Texas 76401-3003

Henderson JH Master Schedule 2012-2013	Room #	1st	2nd	3rd	4th	A Lunch / 5th	5th / B Lunch	6th	7th	8th
Roberson	100 6843	Reading 7 Inc.	Reading 7	Hive 7 SIT	Reading 7	A	Reading 7	Reading 7	Reading 7 Inc.	Reading 7
Parsons	332 6862	Reading 8 180	Reading 7 180	Hive 8 RTI	Reading 7 180	A	Reading 7	Reading 7	Reading 7 Inc.	Reading 7
Tarpley	102 6870	Eng 7	Eng 7 Inc.	Hive 7	Eng 7	A	Eng 7	Eng 7	Eng 7	Eng 7 Inc.
Gibson	101 6859	Reading 8	Reading 8	Hive 8	Reading 8	A	Reading 8	Reading 8	Reading 8	Reading 8
Clemmer	114 6853	Eng 8	Eng 8	Hive 8	Eng 8	A	Eng 8	Eng 8	Eng 8	Eng 8
Fanning	217 6854	Boys Ath 7	Eng 8 Inc.	Hive 8	Eng 8	A	Eng 8	Eng 8	Eng 8	Eng 8
Whiteley	300 6829	Eng 8	Eng 8	Hive 7	Eng 8	A	Eng 8	Eng 8	Eng 8	Eng 8
Hamilton	403 6841	Boys Ath 7	Hist 7	Lunch	Hist 7 Inc.	A	Hist 7 Inc.	Hist 7 Inc.	Hist 7	Hist 7
Oakley	402 6861	Hist 7	Hist 7	Hive 7 Fall	Hist 7	A	Hist 7	Hist 7	Hist 7	Hist 7
Johnson	118 6830	Boys Ath 7	Hist 8	Hive 7 Sop	Hist 8	A	Hist 8	Hist 8	Hist 8	Hist 8
Marwitz	216 6860	Boys Ath 7	Hist 8	Hive 8	Boys PE	A	Hist 8	Hist 8	Hist 8	Hist 8
Roulston	117 6839	Hist 8 Inc.	Hist 8 Inc.	Cheer 7/8	Hist 8	A	Hist 8	Hist 8	Hist 8	Hist 8
Isbell	310 6857	Math 7 Inc.	Math 7 Inc.	Hive 7 RTI	Math 7 Inc.	A	Math 7	Math 7	Math 7	Math 7
Thompson	105 6833	Math 8	Math 8	Hive 7	Math 8	A	Math 8	Math 8	Math 8	Math 8
Edwards K	314 6842	Math 8	Math 8	Hive 8	Math 8	A	Math 8	Math 8	Math 8	Math 8
Rainey	322 6835	Math 8	Math 8	Hive 8	Math 8	A	Math 8	Math 8	Math 8	Math 8
Shaw	320 6832	Boys Ath 7	Math 8 Inc.	Hive 7	Math 8 Inc.	A	Math 8	Math 8	Math 8	Math 8
Esquivel	200 6836	Boys Ath 7	Math 8	Hive 7	Math 8	A	Math 8	Math 8	Math 8	Math 8
Kirk	203 6850	Boys Ath 7	Math 8	Hive 7	Math 8	A	Math 8	Math 8	Math 8	Math 8
Kimbler	206 6856	Sci 7 Inc.	Sci 7	Hive 7	Sci 7 Inc.	A	Sci 7	Sci 7	Sci 7	Sci 7
Harler	224 6834	Sci 8	Sci 8	Hive 8	Sci 8	A	Sci 8	Sci 8	Sci 8	Sci 8
McKinzie	221 6855	Sci 8 Inc.	Sci 8	Hive 8	Sci 8	A	Sci 8	Sci 8	Sci 8	Sci 8
Byrd	215 6847	Tech App 7	Tech App 7	Hive 8	Tech App 7	A	Tech App 7	Tech App 7	Tech App 7	Tech App 7
Hernandez	330 6840	Spanish 8	Spanish 8	Hive 8	Spanish 8	A	Spanish 8	Spanish 8	Spanish 8	Spanish 8
Warren	312 6851	Inclusion	ESL	Hive 8	ESL	A	ESL	ESL	ESL	ESL
Jones	214 6852	PALS 8	PALS 8	Hive 8	PALS 8	A	PALS 8	PALS 8	PALS 8	PALS 8
Green	Gym 6819	SHS	SHS	SHS	SHS	A	SHS	SHS	SHS	SHS
Kelsey	Gym	Dance	Dance	Hive Sub	Dance	A	Dance	Dance	Dance	Dance
Abbe	207 LH	SHS	SHS	Hive 7	SHS	A	SHS	SHS	SHS	SHS
Schulz	205 6846	SHS	SHS	Hive 7	SHS	A	SHS	SHS	SHS	SHS
Stallsmith	305 6837	SHS	SHS	Hive Sub	SHS	A	SHS	SHS	SHS	SHS
Short	305 6462	SHS	SHS	Hive Sub	SHS	A	SHS	SHS	SHS	SHS
Lawless	305 6480	SHS	SHS	Lunch	SHS	A	SHS	SHS	SHS	SHS
Childs	305 6458	SHS	SHS	Lunch	SHS	A	SHS	SHS	SHS	SHS
Sword	401 6845	SHS	SHS	Lunch	SHS	A	SHS	SHS	SHS	SHS
Tucker T/Th	401 6467	SHS	SHS	Lunch	SHS	A	SHS	SHS	SHS	SHS
Tucker M/W	401 6467	SHS	SHS	Lunch	SHS	A	SHS	SHS	SHS	SHS
Weber	Lb 6810	Library Aides	Library Aides	Hive 8 SIT	Library Aides	A	Library Aides	Library Aides	Library Aides	Library Aides
Carter S	400 6831	Life Skills	Life Skills	Life Skills	Life Skills	A	Life Skills	Life Skills	Life Skills	Life Skills
Rasmussen	400	Life Skills	Life Skills	Life Skills	Life Skills	A	Life Skills	Life Skills	Life Skills	Life Skills
Wilson	400	Life Skills	Life Skills	Life Skills	Life Skills	A	Life Skills	Life Skills	Life Skills	Life Skills
Dawes	113	Behavior	Behavior	Behavior	Behavior	A	Behavior	Behavior	Behavior	Behavior
Hohertz	113 6863	Behavior	Behavior	Behavior	Behavior	A	Behavior	Behavior	Behavior	Behavior
Farrow	111 6864	ISS	ISS	ISS	ISS	A	ISS	ISS	ISS	ISS
Grav	Lb 6831	Sci 8 Inc Rm 203	Hist 8 Inc	ISS	ISS	A	ISS	ISS	ISS	ISS
McGarvey	104 6844	RTI	RTI	RTI	RTI	A	RTI	RTI	RTI	RTI
McGee	316 6848	Inc. Math 7	Inc. Math 7	Tutor	Inc. Math 8	A	Inc. Math 8	Inc. Math 8	Inc. Math 8	Inc. Math 8
Haggard	107	Learn Lab	Learn Lab	Learn Lab	Learn Lab	A	Learn Lab	Learn Lab	Learn Lab	Learn Lab
Danley	107 6838	Learn Lab	Learn Lab	Learn Lab	Learn Lab	A	Learn Lab	Learn Lab	Learn Lab	Learn Lab
Stages	302 6849	Inc. Read 180	Inc. Read 180	Tutor	Inc. Read 180	A	Resource 8	Resource 8	Resource 8	Resource 8
Topping	302	Inc. Science 7	Inc. Science 7	Inclusion	Inc. Hist 7	A	Resource	Resource	Resource	Resource
Wood	107	Inc. Reading 7	Inc. Eng 8	Inclusion	Inc. Math 7	A	Inc. Sci 7	Inc. Hist 7	Inc. Reading 7	Inc. Eng 7
Meizger	Gym	SHS	SHS	SHS	SHS	A	SHS	SHS	SHS	SHS
Etters	Gym	Boys Ath 7	SHS	SHS	SHS	A	SHS	SHS	SHS	SHS
Normand	Gym	Boys Ath 7	SHS	SHS	SHS	A	SHS	SHS	SHS	SHS
Thorne	Gym	SHS	SHS	SHS	SHS	A	SHS	SHS	SHS	SHS

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Henderson JH Master Schedule 2011-2012	1st	2nd	3rd	4th	A	5th	B	6th	7th	8th
	8:00-8:50	8:55-9:50	9:55-10:25	10:30-11:20	11:20-11:50	11:55-12:45	12:15-12:45	12:50-1:40	1:45-2:35	2:40-3:30
Barons	Reading /-inc		Hive /	Reading /-inc	A Reading /			Theatre 8	Theatre /	Theatre /
Whiteley	Reading /		Hive /	Reading /	A Reading /			Reading /	Reading /	PreAP English /
Roberson	PreAP English /		SIT 7	Reading /	A PreAP English /			English /	English /	PreAP English /-inc
Edwards J	English /		Hive 7	English /	A English /			ELA 8	ELA 8	ELA 8
Hubbard	ELA 8-inc		Hive 8	English /				PreAP ELA 8	ELA 8	Resource /
Clemmer	PreAP ELA 8		SIT 8	ELA 8	A Resource 8			PreAP ELA 8	Resource /	Resource /
Staggs	Inclusion		Tutor	Inclusion	A Resource 8			PreAP ELA 8	Resource /	Resource /
Isbell	Math /	Math /	Math /	Math /	A Math /-inc			Math /	Math /	Math /
Heers	Math /	Math 7-inc	Hive	PreAP Math /	A PreAP Math /			PreAP Math /	PreAP Math /	PreAP Math /
Edwards K	Math 8	PreAP Math 7	Hive 8	Math 8-inc	Math 8			Math 8-inc	Math 8	Math 8
Shaw	PreAlg	PreAlg	Hive 8	Math 8				Math 8	Math 8	Algebra 1
Rainey	Algebra 1	Algebra 1	Hive 8	Resource /	A Inclusion			Inclusion	PreAP Sci /	Inclusion
McGee	Resource 8	Inclusion	Tutor	Resource /	A Inclusion			Science /	PreAP Sci /	PreAP Sci /
McKinzie	Science /	PreAP Sci /	Hive /	Science /	A PreAP Sci /			Science /	Science 7	Boys Ath 8
Esquivel	Boys Ath 7	Science /	Hive /	Science /	A Science /			Science /	Science 7	Boys Ath 8
Weil	Science 8	Science /	Hive 8	Science 8	A Science /			Science 8	Science 8	Boys Ath 8
Carter	Boys Ath 7	Science 8	Hive 8	Science 8	A Science /			Science 8	Science 8	PreAP Sci 8
Hatter	PreAP Sci 8	PreAP Sci 8	Hive 8	Science 8	A Science /			PreAP Sci 8	Science 8	Boys Ath 8
Hamilton	Boys Ath 7	History /	Lunch	History /	A History /			History /	History /	Boys Ath 8
Madry	Boys Ath 7	History /	Hive 7	History /	A History /			History /	History 7	PreAP Hist 7
Oakley	History 7	PreAP Hist 7	Yearbook	PreAP Hist 7	A PreAP Hist 7			PreAP Hist 7	History 8	Boys Ath 8
Smith	Boys Ath 7	Boys Ath 7	Hive 7	History 8	A History 8			History 8	History 8	Boys Ath 8
Johnson	Boys Ath 7	PreAP Hist 8	Ath Coor	History 8	A History 8			PreAP Hist 8	PreAP Hist 8	History 8
Koussion	PreAP Hist 8	History 8	Cheer 7/8	History 8	A History 8			PreAP Hist 8	PreAP Hist 8	History 8
McGarvey	RII	RII	RII	RII	A RII			RII	RII	RII
Warren	ESL	ESL	Hive 7/8	ESL	A Inclusion			Spanish 8	Spanish /	Spanish /
Hernandez	Spanish 8	Spanish 8	Hive /	Spanish 8	A Spanish 8			Spanish 8	Spanish /	Spanish /
Jones	PALS	PALS	Hive 8	PALS	A PALS			Tech App	Tech App	Tech App
Byrd	Tech App	Tech App	Hive 8	Tech App	A Tech App			Tech App	Tech App	Tech App
Green	ESL	ESL	Hive Sub	ESL	A ESL			ESL	ESL	ESL
Schmidt	ESL	ESL	Hive Sub	ESL	A ESL			ESL	ESL	ESL
Schulz	ESL	ESL	Hive Sub	ESL	A ESL			ESL	ESL	ESL
ScalSmith	ESL	ESL	Hive Sub	ESL	A ESL			ESL	ESL	ESL
Short	ESL	ESL	Hive Sub	ESL	A ESL			ESL	ESL	ESL
Lawless	ESL	ESL	Hive Sub	ESL	A ESL			ESL	ESL	ESL
Childs	ESL	ESL	Hive Sub	ESL	A ESL			ESL	ESL	ESL
Sword	ESL	ESL	Hive Sub	ESL	A ESL			ESL	ESL	ESL
Tucker	SHS	SHS	Lunch	SHS	A SHS			SHS	SHS	SHS
Phillips	Learn Lab	Learn Lab	Hive Sub	Learn Lab	A Learn Lab			Learn Lab	Learn Lab	Learn Lab
Hohertz	Behavior	Behavior	Behavior	Behavior	A Behavior			Behavior	Behavior	Behavior
Tarrow	ISS	ISS	ISS	ISS	A ISS			ISS	ISS	ISS
Weber	Library Aides	Library Aides	SIT	Library Aides	A Library Aides			Library Aides	Library Aides	Library Aides
Snyder	Behavior	Behavior	Behavior	Behavior	A Behavior			Behavior	Behavior	Behavior
Shipp	Inclusion	Inclusion	Inclusion	Inclusion	A Inclusion			Inclusion	Inclusion	Inclusion
Pendleton	Learn Lab	Learn Lab	Learn Lab	Learn Lab	A Learn Lab			Learn Lab	Learn Lab	Learn Lab
Topping	Inclusion	Inclusion	Inclusion	Inclusion	A Inclusion			Inclusion	Inclusion	Inclusion
Normand	Boys Ath 7	Boys Ath 7	Boys Ath 7	Boys Ath 7	A Boys Ath 7			Boys Ath 7	Boys Ath 7	Boys Ath 7
Boxley	Boys Ath 7	Boys Ath 7	Boys Ath 7	Boys Ath 7	A Boys Ath 7			Boys Ath 7	Boys Ath 7	Boys Ath 7
Marowitz	Boys Ath 7	Boys Ath 7	Boys Ath 7	Boys Ath 7	A Boys Ath 7			Boys Ath 7	Boys Ath 7	Boys Ath 7
Metzger	Boys Ath 7	Boys Ath 7	Boys Ath 7	Boys Ath 7	A Boys Ath 7			Boys Ath 7	Boys Ath 7	Boys Ath 7
Thorpe	Boys Ath 7	Boys Ath 7	Boys Ath 7	Boys Ath 7	A Boys Ath 7			Boys Ath 7	Boys Ath 7	Boys Ath 7
Towery	Boys Ath 7	Boys Ath 7	Boys Ath 7	Boys Ath 7	A Boys Ath 7			Boys Ath 7	Boys Ath 7	Boys Ath 7
Hill C	Boys Ath 7	Boys Ath 7	Boys Ath 7	Boys Ath 7	A Boys Ath 7			Boys Ath 7	Boys Ath 7	Boys Ath 7

Henderson Jr. High
2010-2011 School Year (8/31/10)

Teacher	Rm #	Period 1	Period 2/DR	Period 3	Period 4	HIVE	Period 5	Period 7	Period 8
Roeming	114	Read 7	Perf. Speech	Eng 8 - Inc	A/Conf.	Open/SIT	Eng 8 - Inc	Eng 8	Eng 8
Clemmer	116	Read 7	Eng 8	P-AP Eng 8	A/Conf.	HIVE	P-AP Eng 8	Eng 8	Eng 8
McGarvey	104	Res. 8th	Res. 8th	Inclu.	A/Conf.	Tutor	Inclu.	Res. 7th	Res. 7th
Roberson	100	Conf.	P-AP Eng 7	Read 7 - Inc	A/Read 7	SIT	Read 7	P-AP Eng 7	P-AP Eng 7
Whitley	105	Conf.	Read 7	Read 7	HIVE	HIVE	Read 7	Read 7	TAKS ACC 7
Parsons	332	TAKS ACC 8	Eng 7	Theatre Arts	A/Conf.	HIVE	Theatre A 7	Theatre A 7	Eng 7 - Inc
Edwards	102	Conf.	Eng 7	Eng 7	SSI tutor	HIVE	Eng 7 - Inc	Eng 7	Boys Ath 8
Carter	217	Boys Ath 7	Sci 8	Sci 8	HIVE	HIVE	Sci 8	Conf.	Boys Ath 8
Haider	224	P-AP Sci 8	Sci 8	P-AP Sci 8/B	HIVE	HIVE	P-AP Sci 8	Conf.	Boys Ath 8
Weil	221	Sci 8	Sci 7	Sci 8/B	HIVE	HIVE	Sci 7	Conf.	Boys Ath 8
Esquivel	200	Boys Ath 7	Sci 7	A/Sci 7	HIVE	HIVE	Sci 7	Conf.	Boys Ath 8
McKinzie	203	Sci 7	P-AP Sci 7	A/P-AP Sci 7	HIVE	HIVE	P-AP Hist 8	Hist 8	Boys Ath 8
Carroll	118	Boys Ath 7	Conf.	Hist 8	P-AP Hist 8/B	SIT	Conf/Travel	Hist 7	Boys Ath 8
Hamilton	302	Boys Ath 7	Hist 7	Hist 7	XXXXXXXXXXXXXXXXXXXX	Cheer	Hist 8	P-AP Hist 8	Hist 8
Rouison	403	P-AP Hist 8	Conf.	Hist 8	Hist 8/B	HIVE	Hist 8	P-AP Hist 7	Boys Ath 8
Johnson	117	Boys Ath 7	Conf.	Hist 8	Lunch Duty/ 332 D-Hall	HIVE	Hist 7	Hist 7	Boys Ath 8
Mabry	300	Boys Ath 7	Conf.	Hist 7	A/Hist 7	HIVE	P-AP Hist 7	Yearbook/ P-AP Hist 7	Boys Ath 8
Oakley	402	Hist 7	Conf.	P-AP Hist 7	A/Hist 7	HIVE	Conf.	P-AP Math 7	P-AP Math 7
Edwards	314	P-AP Math 7	P-AP Math 7	Math Lab 7	A/ Math Lab 7	HIVE	Conf.	AD Conf.	Boys Ath 8
Hardcastle	320	Boys Ath 7	Alg 1	Alg I/B	HIVE	HIVE	Conf.	Math 8 - Inc	Math 8 - Inc
Warren	330	Math Lab 8	Math Lab 8	Math 8	Math 8/B	HIVE	Conf.	Math 7	Math 7
Isbell	310	Math 7	Math 7	Math 7	A/ Math 7 - Inc	HIVE	Conf.	Inclu.	Inclu.
McGee	316	Self-Contain. Res. M 7	Res. M 8	Math 8	Inclu.	Tutor	Conf.	Math 7	Math 7
Rainey	322	Math 8	Math 8	Math 8	HIVE	HIVE	Conf.	ESL Incl.	ESL Incl.
Shaw	312	Pre-Alg.	Pre-Alg.	ESL (Adv/Ad ESL/Beginn) B	Math 8/B	HIVE	Conf.	ESL Incl.	ESL Incl.
Byrd	215	Tech App	Tech App	Tech App	Conf/B	Open Tutor	Tech App	Tech App	Tech App
Jones	214	PALS	PALS	PALS	Lunch Duty/ 332 D-Hall	HIVE	Girls Ath 7	Girls Ath 8	Conf.
Hernandez	101	Span 8	Span 8	Conf.	Lunch Duty/ 332 D-Hall	HIVE	Span 7	Span 7	PALS
Schmidt	301	XXXXXXXXXX Dance 2	Dance 3	A/ Dance 4	XXXXXXXXXX	Open	Girls Ath 7	Girls Ath 8	Conf.
Green	301	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Open	Learn Lab	Learn Lab	Learn Lab	Learn Lab
Phillips	107	Beh. Unit	Beh. Unit	Beh. Unit	Beh. Unit	Beh. Unit	Beh. Unit	Beh. Unit	Beh. Unit
Beliah	113	Beh. Unit	Beh. Unit	Beh. Unit	Beh. Unit	Beh. Unit	Beh. Unit	Beh. Unit	Beh. Unit
Lombard	320/21	LMS - 8	PE Boys	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Art 8	Art 7	XXXXXXXXXX
Smith	205	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
Stallsmith	305	XXXXXXXXXX	XXXXXXXXXX	Symp. Band	Concert Band / B	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
Sword	401	Choir 1	Choir 2	Choir 3	XXXXXXXXXX	Self-Contain	Self-Contain	Self-Contain	Self-Contain
Lower/Hill	400	Conf.	Self-Contained	Self-Contain	A/Self-Contain	SAC	Self-Contain	Self-Contain	Self-Contain
Lesley	111	SAC	SAC	SAC	A/ SAC	SAC	Roeming	Learn Lab	J. Edwards
Shipp	aide	Parsons	Learn Lab	Roeming	Beh. Unit	Lunch	Learn Lab	Learn Lab	Parsons
Pendleton	aide	Learn Lab	Learn Lab	Isbell	A/ Learn Lab	McGarvey	Learn Lab	Learn Lab	McGarvey
Topping	aide	McGarvey	McGarvey	Office aides	Learn Lab / B	Office aides	Office aides	Office aides	Office aides
Christian	Office	Office aides	Office aides	Office aides	Office aides	SIT/Open	Library aides	Library aides	Library aides
Weber	Lib.	Library aides	Library aides	Library aides	Library aides	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
Dacus	Gym	Boys Ath 7	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	Boys Ath 8
Boxley	Gym	Boys Ath 7	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
Wright	Gym	Boys Ath 7	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
Thorpe	Gym	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
Melster	Gym	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX

Lambert

Hq's.

Hq's.

JH

JH

JH

G11

G11

G11

7
C
2

U/10

Teacher	Room #	Period 1	Period 2/DEAR	Period 3	Period 4	Period 5 L/Tut.	Period 6	Period 7	Period 8
Barber 7	402	Conf.				A		Eng 7	
Stemmer 8	116	Conf.	Eng 8			B		Eng 8	
McElroy 8	113	Conf.	Eng 8			B/8th g SIT		Eng 8	
McGarvey 7/8	104	Conf.		Res. R/aide		A/no study hall		Res. R 8/aide	Res. Eng 7/aide
Blipin 7	300	Conf.	Reading 7			A		Reading 7	Reading 7
Roberson 7	101	Conf.	Eng 7			A/7th g SIT		Eng 7	Eng 7
Booming 7/8	403	Eng 8	Conf.	Speech 8		A		Eng 7	Speech 7
Swatsell 7	302	Conf.	Reading 7			A		DV Reading 8	Reading 7
Carter 7	217		Sci 8			B		Sci 8	
Desquivel 7	221		Sci 8			B		Sci 8	
Phaller 7	224		Sci 7			B		Sci 8	
McKinzie 7	203	Sci 7	Sci 7			A		Sci 7	Sci 7
Hargrove 7	206	Sci 7	Sci 7			A			
Carroll 7	118		Conf.			B		Hist 8	
Johnson 7	107		Conf.					Hist 7	
King 7	214		Conf.					Hist 8	
Dailey 7	100	Hist 7	Conf.			A			Conf
Mahy 7	105		Hist 7						
Rouiston 7	216		Conf.			A/Cheerleaders		Hist 8	
Edwards 7	314					A		Math 7	Math 7
Hardcastle 8	320		Alg I			B		AD Conf	
Harris 8	114	Math 8	Math 8			B		Math 7	Math 8
Osbell 7	102	Math 7	Math 7			A			
McGee 7/8	316	Res. Math 7/aide	Res. Math 8/aide			A/no study hall		Conf	Self-Contained
Grimes 8	117	Math 8	Math 8			B		Conf	Math 8
Oshaw 8	312	Math 8	Math 8	ESL		B			Math Lab 7/8
Byrd 7	215					B			
Jones 7	322								
Evans 7	301	XXXXXXXXXX	Dance B			XXXXXXXXXX		XXXXXXXXXX	Conf
Green 7	301	XXXXXXXXXX	XXXXXXXXXX			PE Girls			Conf
Hernandez 7	200	Spanish 8	Spanish 8						
Petty 7	332					Conf			
Phillips 7	310		Conf.						
Lombard 7	330	LMS 8	PE Boys						
Smith 7	205	XXXXXXXXXX	XXXXXXXXXX						
Stallsmith 7	305	XXXXXXXXXX	XXXXXXXXXX			Band			
Sword 7	401	Choir	Choir			Band			
Hodges 7	400	Self-Contained	Self-contained	Self-Contained	Self-Contained	A		Self-Contained	Self-Contained Conf

Case 4:13

Henderson Junior High
Teacher Schedules 2008-2009

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* A Lunch
* B Lunch

Lunch 11:20 - 11:50
Per 4 11:25 - 12:15

Per 4 11:55 - 12:45
Lunch 12:15 - 12:45

Name	Rm	Per 1 8:00 to 8:50	Per 2 8:55 to 9:45	DEAR 9:50 to 10:25	Per 3 10:30 to 11:20	Lunch *	Per 4 *	Per 5 12:50 to 1:40	Per 6 1:45 to 2:35	Per 7 2:40 to 3:30
P. Barber	402	Eng 7	AP Eng 7	7	AP Eng 7	A	AP Eng 7	Eng 7	Conf	AP Eng 7
E. Briseño	312	ESL 8	ESL 7	ESL	Inclusion	A	Conf.	Inclusion	Math 8	Math8
K. Byrd	215	Tech App	Tech App		Tech App	B	Tech App	Tech App	Conf	Tech App
S. Carroll	118	Sports 7	AP Hist 8	8	Hist 8	B	Ap Hist 8	Hist 8	Conf	Sports 8
J. Carter	217	Sports 7	Sci 8	8	Sci 8	B	Sci 8	Sci 8	Conf	Sports 8
P. Clemmer	116	Eng 8	AP Eng 8	8	AP Eng 8	B	Eng 8	AP Eng 8	AP Eng 8	Conf
K. A. Edwards	314	AP Math 7	AP Math 7	7	Conf	A	Math 7	AP Math 7	Math 7	Math 7
J. Esquivel	221	Sports 7	Sci 7	8	Conf	B	Sci 8	Sci 7	Sci 7	Sports 8
S. Evans	301		Dance 8		Dance 7					
D. Green	301					A	PE	Sports 7	Sports 8	Conf
G. Hardcastle	117	Sports 7	Alg 1		Conf	B	Lunch Duty	Alg 1	Ath Director	Sports 8
B. Harris	114	Math 8	Pre-Alg 8	8	Conf	B	Math Lab 8	Pre-Alg 8	Math Lab 8	Math 8
S. Hatler	224	AP Sci 8	Conf		AP Sci 8	B	AP Sci 8	AP Sci 8	Sci 8	Sci 8
J. Hernandez	200	Span 8	Span 8	7	Span 8	B	Lunch Duty	Span 7	Span 7	Conf
S. Isbell	102	Math 7	Math 7	7	Conf	A	Math 7	Math 7	Math 7	Math 7
B. Johnson	107	Sports 7	Conf.	7	Hist 8	B	Hist 8	Hist 7	Hist 7	Sports 8
P. Jones	322	PALS 8	PALS 8	8	PALS 8	B	Conf.	Sports 7	Sports 8	PALS 8
J. King	214	Sports 7	Conf	8	Hist 8	B	Hist 8	Hist 8	Hist 8	Sports 8
V. McElroy	113	Eng 8	Eng 8	8	Eng 8	B	Conf.	Eng 8	Eng 8	Eng 7
K. McGarvey	104	Res Rdg	Res Eng		Conf	A	Res Rdg	Res Eng	Res Rdg	Res Eng
L. McGee	316	Res Math 7	Inclusion 7		Conf	B	Inclusion 8	Res Math 8	Beh Un	Res Math 7
K. McKinzie	203	Sci 7	Sci 7	7	Sci 7	A	Sci 7	Conf	Sci 7	Sci 7
A. Falls	320	Math 8	Math 8	8	Conf	B	Math 8	Math 8	Math Lab 7	Math Lab 7
V. Oakley	100	AP Hist 7	Conf	7	Hist 7	A	AP Hist 7	AP Hist 7	AP Hist 7	Hist 7
M. Parks	105	Hist 7	Hist 7	7	Hist 7	A	Hist 7	Health	Health	Conf
D. Petty	332	Beh Un	Beh Un		Beh Un	B	Beh Un	Conf	Beh Un	Beh Un
N. Phillips	310	Learn Lab	Learn Lab		Learn Lab	B	Learn Lab	Learn Lab	Conf.	Learn Lab
K. Pippin	300	Conf	Adv. Read 7	7	Read 7	A	Read 7	Read 7	Read 7	Adv. Read 7
E. Rivas	117	LMS 8	PE	8	LMS 8	B	PALS 8			
K. Roberson	101	Rdg 7	Rdg 7		Rdg 7	A	Conf.	Read 7	Eng 7	Eng 7
S. Roeming	403	Speech 8	Speech 8.	7	Conf	A	Eng 7	Eng 7	Eng 7	Eng 7
J. Rouleston	111	AP Hist 8	Eng 8	8	Conf	B	Eng 8	8 Hist	Eng 8	AP Hist 8
K. Smith	205							Art 8	Art 7	
J. Stallsmith	305				Band (Cadet)	B	Band (Sym)			
B. Stevens	206	AP Sci 7	Conf	7	AP Sci 7	A	AP Sci 7	Sports 7	Sports 8	AP Sci 7
A. Swatsell	302	Conf.	Read 7	7	DV Rdg 7	A	Read 7	Dev Read 8	Speech 7	Speech 7
A. Sword	401	Girls Choir	Adv. Girls	8	Boys Choir					

Bob Cervetto Principal
Kristen Carey Asst. Principal
Tracey Bettis Counselor
Missy Weber Librarian
Jone Pope Nurse
Debbie Christian Secretary
Elizabeth Stephens Secretary
April Harmon SAC Aide

Carol McElfresh
Joyce Anderson
Linda Topping
Delana Pendleton
Naomi Hensley
Michelle Whitfield
Ranita Oliver
Mary Hodges

SP-ED Counselor
Director-Counseling/Testing/Curriculum
Teacher Aide
Teacher Aide
Inclusion Aide
Diagnostician
Self Contained Aide
Self Contained Teacher

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Page 6

Henderson Junior High
Teacher Schedules 2007-2008

* A Lunch
* B Lunch

Lunch 11:20 - 11:50
Per 4 11:25 - 12:15

Per 4 11:55 - 12:45
Lunch 12:15 - 12:45

Name	Rm	Per 1 8:00 to 8:50	Per 2 8:55 to 9:45	DEAR 9:50 to 10:25	Per 3 10:30 to 11:20	Lunch *	Per 4 *	Per 5 12:50 to 1:40	Per 6 1:45 to 2:35	Per 7 2:40 to 3:30
P. Barber	402	Eng 7	AP Eng 7	7	AP Eng 7	A	AP Eng 7	Eng 7	Conf	AP Eng 7
E. Briseño	312	ESL 8	ESL 7	ESL	Inclusion	A	Conf.	Inclusion	Math 8	Math 8
K. Byrd	215	Tech App	Tech App		Tech App	B	Tech App	Tech App	Conf	Tech App
S. Carroll	118	Sports 7	AP Hist 8	8	Hist 8	B	Ap Hist 8	Hist 8	Conf	Sports 8
P. Clemmer	116	AP Eng 8	Eng 8	8	Eng 8	B	Eng 8	AP Eng 8	AP Eng 8	Conf
R. Coplin	224	Sports 7	Sci 8	8	Sci 8	B	Sci 8	Sci 8	Conf	Sports 8
K. A. Edwards	314	AP Math 7	AP Math 7	7	Conf	A	Math 7	AP Math 7	Math 7	Math 7
J. Esquivel	221	Sports 7	Conf	8	Sci 8	B	Sci 8	Sci 8	Sci 8	Sports 8
S. Evans	301		Dance 8		Dance 7					
D. Green	301					A	PE	Sports 7	Sports 8	Conf
J. Groseclose	320	Math 8	Pre-Alg 8	8	Conf	B	Math Lab 8	Pre-Alg 8	Math Lab 8	Math Lab 8
G. Hardcastle	117	Sports 7	Alg 1		Conf	B	Lunch Duty	Alg 1	Ath Director	Sports 8
B. Harris (Dyer)	114	Math 8	Math 8	8	Conf	B	Math 8	Math Lab 7	Math Lab 7	Math Lab 7
S. Hatler	217	Sci 8	AP Sci 8	8	AP Sci 8	B	AP Sci 8	Sports 7	Sports 8	Conf
J. Hernandez	200	Span 8	Span 7	7	Span 7	B	Lunch Duty	Conf	Span 8	Span 8
K. Hodges	316							Inclusion	Res. Eng	Res. Eng
S. Isbell	102	Math 7	Math 7	7	Conf	A	Math 7	Math 7	Math 7	Math 7
B. Johnson	107	Sports 7	Conf.	7	Hist 7	A	Hist 7	Hist 7	Hist 7	Sports 8
K. Jones	401	Choir 8	Choir 7	8	Boys Choir					
P. Jones	322	PALS 8	PALS 8	8	PALS 8	B	Conf.	Sports 7	Sports 8	PALS 8
J. King	214	Sports 7	Conf	8	Hist 8	B	Hist 8	Hist 8	Hist 8	Sports 8
V. McElroy	113	Eng 8	Eng 8	8	Eng 8	B	Conf.	Eng 8	Eng 8	Eng 7
McGarvey	104	Res Read	Res Read		Conf	A	Res Eng	Res Eng	Res Read	Res Read
L. McGee	316	Res Math	Res Math		Res Math	B	Res Math	Beh Unit	Conf	Inclusion
K. McKinzie	206	Sci 7	Sci 7	7	Sci 7	A	Sci 7	Conf	Sci 7	Sci 7
S. McMillan	203	AP Sci 7	Conf	7	AP Sci 7	A	Sci 7	Sci 7	AP Sci 7	AP Sci 7
V. Oakley	100	AP Hist 7	Conf	7	Hist 8	A	AP Hist 7	AP Hist 7	AP Hist 7	Hist 8
N. Petro	105	Hist 7	Health 7	7	Health 7	A	Hist 7	Hist 7	Hist 7	Conf
D. Petty	332	Beh Un	Beh Un		Beh Un	B	Beh Un	Conf	Beh Un	Beh Un
K. Pippin	300	Conf	Adv. Read 7	7	Read 7	A	Read 7	Read 7	Read 7	Adv. Read 7
K. Roberson	100	Eng 7	Eng 7	7	Eng 7	A	Eng 7	Eng 7	Conf	Eng 7
S. Roeming	403	Read 7	Speech 7	7	Speech 7	A	Conf.	Read 7	Speech 8	Speech 8
J. Roulston	111	AP Hist 8	Conf	8	Eng 8	B	Eng 8	8 Hist	Eng 8	AP Hist 8
K. Smith	205		Art 7		Art 8					
K. Spano	117	LMS 8	PE	8	LMS 8	B	PALS 8			
J. Stallsmith	305				Band (Cadet)	B	Band (Sym)			
A. Swatsell	302	Conf.	Read 7	7	Read 7	A	Read 7	Dev Read 8	Read 7	Read 7
J. Volf	310	Learn Lab	Learn Lab		Learn Lab	B	Learn Lab	Learn Lab	Conf.	Learn Lab

Bob Cervetto Principal
Tylor Chaplin Asst. Principal
Tracey Bettis Counselor
Missy Weber Librarian
Jone Pope Nurse
Debbie Christian Secretary
Lisa Hughes Secretary

Carol McElfresh
Joyce Anderson
Linda Topping
Delana Pendleton
Alice Swain
Michelle Whitfield
Rosanne Keilers

SP-ED Counselor
Director-Counseling/Testing/Curriculum
Teacher Aide
Teacher Aide
SAC Aide
Diagnostician
Nurse Aide

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Kevin McCully, as next friend of Daughters, C. McCully and M. McCully

(b) County of Residence of First Listed Plaintiff Erath

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

Stephenville Independent School District, Stephenville, TX. William Joe Carter, and Rachel Carter

County of Residence of First Listed Defendant Erath

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)☐ 1 U.S. Government Plaintiff☒ 3 Federal Question Title IX
(U.S. Government Not a Party)☐ 2 U.S. Government Defendant☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff, and One Box for Defendant)

(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	<input checked="" type="checkbox"/> 1	<input checked="" type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Education Amendments of 1972, 5901, 20 USC § 1681 (Title IX)

Brief description of cause:

Failure to provide equal athletic opportunities and facilities to female in Stephenville ISD. Also, retaliation.

VII. REQUESTED IN COMPLAINT:
☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

300,000.00

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

08/27/2013

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE